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BEFORE THE UTAH INSURANCE COMMISSIONER

UTAH INSURANCE DEPARTMENT, Complainant, vs. WILLIAM ALAN RICHARDS, Respondent.	NOTICE OF AGENCY ACTION AND ORDER Docket No. 2019-4067 Lisa Watts Baskin Presiding Officer
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NOTICE OF AGENCY ACTION

The Utah Insurance Department (“the Department”) commences this agency action against Respondent William Alan Richards (“Respondent”) pursuant to Utah Code §§ 31A-2-201 and 63G-4-201 through 203 and to Utah Admin. Code R590-160.

This agency action is based on the facts and law set forth in the attached Declaration and is designated as an informal adjudicative proceeding pursuant to Utah Code § 63G-4-202(1) and Utah Admin Code R590-160-4 and 7.


ORDER

Based on the facts and the law set forth in the attached Declaration, and good cause appearing, the Utah Insurance Commissioner orders as follows:

1. Respondent's application to reinstate his individual insurance license is denied.
2. Pursuant to Utah Code § 63G-4-203(1)(i) and Utah Admin. Code R590-160-7(1), this informal adjudicative proceeding shall be deemed closed, and this Order shall become final and take full effect, 15 days after this Notice of Agency Action and Order is emailed to Respondent unless a request for a hearing on this matter is received from Respondent prior to that date.
3. A request for a hearing shall be sent by email to uidadmincases@utah.gov or by U.S. mail to Office of the Administrative Law Judge, Utah Insurance Department, 3110 State Office Building, Salt Lake City, UT 84114. The request for hearing shall be signed by the person making the request and shall state the basis for the relief requested.
4. If you fail to request a hearing you will be bound by this Order. Failure to request a hearing will be deemed a failure to exhaust administrative remedies and will preclude any further administrative or judicial review or appeal of this matter.

DATED this 15th day of January, 2019.

TODD E. KISER
Utah Insurance Commissioner



LISA WATTS BASKIN
Presiding Officer
Utah Insurance Department
3110 State Office Building
Salt Lake City, UT 84114
801-538-3800
Email: uidadmincases@utah.gov

NOTICE REGARDING ENFORCEMENT OF THE ORDER

Failure to obey the Order may subject you to further penalties that include forfeitures of up to \$2,500 per violation, license suspension or revocation, further enforcement action before the Utah District Court where forfeitures of up to \$10,000 may be imposed. If you are licensed in other jurisdictions, you may be required to report this proceeding to those jurisdictions.

DECLARATION

Under criminal penalty of Utah law, I, Randy Overstreet, declare the following:

1. I am currently employed as Director of the Producer Licensing Division with the Utah Insurance Department where my responsibilities include investigating and enforcing Utah insurance laws.

2. I submit this Declaration as the basis for issuing the Notice of Agency Action and Order against William Alan Richards (“Respondent”) to which this Declaration is attached.

3. Based on my personal knowledge and/or based on the facts appearing in the Department’s records and files, the following facts are true:

- a. Respondent’s Utah resident producer individual insurance license no. 330186 lapsed on December 31, 2017 because he failed to renew the license.
- b. On December 31, 2018, Respondent applied to reinstate his license.
- c. Respondent answered “yes” to the question that asked “Do you have a child support obligation in arrearage, which has not been previously reported to this insurance department?”
- d. Respondent answered “18” to the follow up question that asked “By how many months are you in arrearage?”
- e. Respondent also answered “yes” to the question that asked “Are you currently subject to and in compliance with any repayment agreement?”
- f. Court records show that Respondent is out of compliance with his court ordered child support obligation.

g. In case no. 156902320, Office of Recovery Services v. William A. Richards, a child support lien for \$4287.00 was entered against Respondent on May 6, 2015. As of December 5, 2018, that judgment remains outstanding in the amount of \$29796.00.

h. In case no. 1767011119, State of Utah ORS v. William A. Richards, a child support lien was entered against Respondent on March 1, 2017 in the amount of \$4287.00. As of December 5, 2018, that judgment remains outstanding in the amount of \$29796.00.

i. In case no. 186930079, Office of Recovery Services v. William A. Richards, a child support lien for \$27138.00 was entered against Respondent on October 3, 2018. As of December 5, 2018, that judgment remains outstanding in the amount of \$29796.00.

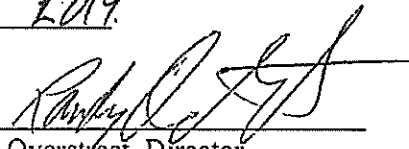
4. The above declared facts demonstrate that the following Utah insurance laws were not complied with:

a. Utah Code § 31A-23a-111(5)(a)(iv) and (5)(b)(xxi) which states that the Utah Insurance Commissioner may deny license if an applicant “fails to comply with an administrative or court order imposing a child support obligation[.]”

b. Utah Code § 31A-23a-111(5)(a)(iv) and (5)(b)(iv) which states that the Utah Insurance Commissioner may deny license if an applicant “fails to pay a final judgment rendered against the person in this state within 60 days after the day on which the judgment became final.”

5. Based on the facts and law set forth above, Respondent's application to reinstate his individual insurance license should be denied.

DATED this 14th day of January 2019.



Randy Overstreet, Director
Producer Licensing Division
Utah Insurance Department