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**BEFORE THE UTAH INSURANCE COMMISSIONER**

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UTAH INSURANCE DEPARTMENT,  Complainant,  vs.  ALBERT STERLING GROFF,  Respondent.	NOTICE OF AGENCY ACTION AND ORDER  Docket No. 2019-4082  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 Albert Sterling Groff (“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 Individual Non Resident Producer License No. 556509 is revoked.
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](mailto: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 5<sup>th</sup> day of March, 2019.

TODD E. KISER  
Utah Insurance Commissioner

  
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LISA WATTS BASKIN  
Presiding Officer  
Utah Insurance Department  
3110 State Office Building  
Salt Lake City, UT 84114  
801-538-3800  
Email: [uidadmincases@utah.gov](mailto: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, Bill Stimpson, declare the following:

1. I am currently employed as a Market Conduct Examiner with the Utah Insurance Department (“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 Albert Sterling Groff 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 is an Individual Non Resident Producer authorized to do insurance business in the State of Utah. Respondent’s License No. is 556509

b. Respondent’s license renewal application was referred to market conduct because administrative action had been taken against him in Washington, Louisiana, and Delaware.

c. Respondent answered “no” to the question “Have you been named or involved as a party in an administrative proceeding, including a FINRA sanction or arbitration proceeding regarding any professional or occupational license or registration, which has not been previously reported to this insurance department?”

d. On December 19, 2018, I sent a request for information letter to Respondent via email to [albert@nboainc.com](mailto:albert@nboainc.com) and to his agency’s contact person/chief financial officer, Stephanie Miller at [stephaniem@nboainc.com](mailto:stephaniem@nboainc.com). A response was due December 24, 2018.

e. Ms. Miller provided a late and incomplete response on January 4, 2019.

- f. On January 10, 2019, I emailed another information request to Respondent and Ms. Miller asking for a complete response and requesting additional information. A response was due January 25, 2019. I also left voicemails for Respondent and Ms. Miller,
- g. On January 31, 2019, I emailed another letter to both Respondent and Ms. Miller. A response was due February 8, 2019.
- h. After the initial January 4 response, Respondent failed to respond by telephone or email to my requests for information.

4. The above declared facts demonstrate that the following Utah insurance law(s) were not complied with:

- a. Respondent violated Utah Code § 31A-2-202(4) by failing to reply promptly in writing to a reasonable written inquiry from the Commissioner.
- b. Respondent violated Utah Code § 31A-23a-111(5) by failing to provide correct information on the licensing application and by refusing to give correct information with respect to his business affairs.

5. Based on the facts and law set forth above, Utah Code § 31A-23a-111(5)(b)(ii), and other similar enforcement cases, Albert Sterling Groff's Individual Non Resident Producer License should be revoked.

DATED this 4 day of March 2019.

  
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Bill Stimpson  
Utah Insurance Department