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BEFORE THE UTAH INSURANCE COMMISSIONER

UTAH INSURANCE DEPARTMENT, Complainant, v. MARTIN ROJAS, Respondent.	FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER Docket No. 2019-4110 Lisa Watts Baskin Presiding Officer
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Complainant Utah Insurance Department ("Department") and Respondent Martin Rojas have stipulated to entry of the following Findings of Fact, Conclusions of Law, and Order. Based on that stipulation, and good cause appearing, the Presiding Officer makes and enters the following:

FINDINGS OF FACT

1. Respondent is an Individual Resident Producer holding license no. 286812.
2. Respondent's business address is 347 E. 1200 S., Orem, UT 84058.
3. On January 10, 2019, in State of Utah vs. Martin Rojas-Abarca, case no. 181401473, Respondent pled no contest to two counts of Fraudulent Insurance Act, a class B misdemeanor.
4. Respondent's plea was held in abeyance and he was placed on probation for 12

months.

5. Respondent did not report his criminal prosecution to the Department within 30 days of his initial appearance before the court.

CONCLUSIONS OF LAW

1. The Utah Insurance Commissioner has jurisdiction over the parties and this formal proceeding pursuant to Utah Code §§ 31A-1-105, 31A-2-201 and 31A-2-308.

2. The Utah Insurance Commissioner has legal authority to impose penalties on the Department's licensees who violate the Utah Insurance Code. Utah Code § 31A-2-308.

3. Under Utah Code § 31A-23a-111(5)(b)(xv), the Commissioner may revoke, limit, suspend or limit a license if the licensee admits or is found to have committed an insurance unfair trade practice or fraud.

4. Utah Code § 31A-23a-105(2)(b)(ii) requires licensees to report a criminal prosecution taken in any jurisdiction within 30 days of the initial appearance before a court.

5. Respondent's conduct in paragraphs 3 through 5 violates the above statutes.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is ordered:

1. Respondent is ordered not to commit the violations described in the Conclusions of Law in the future.

2. Respondent is placed on probation for a period of eighteen months beginning on the date this order is signed. During the probationary period, Respondent shall have no further violations of either Utah insurance laws or criminal laws. The Department will conduct random audits during the probationary period.

3. Respondent shall pay a forfeiture of \$800 to the Utah Insurance Department.

Respondent shall make payments of \$100 per month on the first day of each month, with the first payment due on September 1, 2019.

4. Respondent will complete three additional hours of ethics training within 30 days of the signing of this order.

DATED this 14th day of August, 2019.

TODD E. KISER
Insurance Commissioner



LISA WATTS BASKIN
Presiding Officer
Utah Insurance Department

CERTIFICATE OF SERVICE

The undersigned certifies that on this date a true and correct copy of the foregoing Findings of Fact, Conclusions of Law and Order was emailed to:

Daniel McKay
Attorney for Respondent
dmckay@dmckaylaw.com

Helen A. Frohlich
Assistant Attorney General
hfrohlich@agutah.gov

DATED this 14th day of August, 2019.



Jeanine Couser
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