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BEFORE THE UTAH INSURANCE COMMISSIONER

UTAH INSURANCE DEPARTMENT, Complainant, vs. STEPHANIE MILLER, Respondent.	NOTICE OF AGENCY ACTION AND ORDER Docket No. 2019-4138 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 Stephanie Miller (“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. 566876 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 mailed 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 11th day of July, 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, 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 Stephanie Miller 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 566876.
 - b. In February 2019, market conduct investigations were closed regarding Bene Markets LLC and National Brokers of America for failure to respond. The contact person for both agencies was the Respondent.
 - c. On March 7, 2019, a market conduct investigation was opened regarding Respondent.
 - d. On May 13, 2019, I called Respondent and was told she was out of town. I left a message for her to call me back regarding her Utah Insurance License. She did not return my call.
 - e. On May 13, 2019, I emailed an information request to Respondent. She replied on May 14, 2019, and stated she would respond when she returned to the office on May 20, 2019. She did not respond further.

f. On June 6, 2019, I emailed a second information request to Respondent. She failed to respond.

g. Respondent's South Dakota insurance license was revoked in November 2018. Respondent did not report this action to the Department.

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 respond promptly to a reasonable written inquiry from the Commissioner;
- b. Respondent violated Utah Code § 31A-23a-105(2)(b)(i)(A) by failing to disclose an administrative action taken against her in another jurisdiction; and
- c. Respondent violated Utah Code § 31A-23a-111(5)(b)(vii) by refusing to be examined.

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

DATED this 10th day of July 2019.



Bill Stimpson
Utah Insurance Department

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this date a true and correct copy of the foregoing Notice of Agency Action and Order, with the Declaration attached to it, was emailed to:

Stephanie Miller
stephaniem@nboainc.com
stephanie@benemarketllc.com
stephanie.expressbene@gmail.com

and

Bill Stimpson
Utah Insurance Department
wstimpson@utah.gov

DATED this 12th day of July, 2019.



Jeanine Couser
Utah Insurance Department
3110 State Office Building
Salt Lake City, UT 84114
801-538-3800