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BEFORE THE UTAH INSURANCE COMMISSIONER

UTAH INSURANCE DEPARTMENT, Complainant, vs.	NOTICE OF INFORMAL ADJUDICATIVE PROCEEDING AND ORDER
BENJAMIN HENRY NEIL, Respondent.	Docket No. 2020-4198 Lisa Watts Baskin Presiding Officer

NOTICE OF INFORMAL ADJUDICATIVE PROCEEDING

The Utah Insurance Department (“the Department”) commences this informal adjudicative proceeding against Respondent Benjamin Henry Neil (“Respondent”) pursuant to Utah Code §§ 31A-2-201 and 63G-4-201 through -203 and Utah Admin. Code R590-160.

This informal adjudicative proceeding 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 -8.

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 for a Utah resident producer individual insurance license is denied.

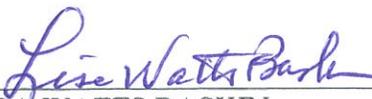
2. Pursuant to Utah Code § 63G-4-203(1)(i) and Utah Admin. Code R590-160-8(1), this informal adjudicative proceeding shall be deemed closed, and this Order shall become final and take full effect, 15 days after this Notice of Informal Adjudicative Proceeding and Order is emailed to Respondent unless 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 11th day of March, 2020.

TODD E. KISER
Utah Insurance Commissioner



LISA WATTS BASKIN
Presiding Officer
Utah Insurance Department
3110 State Office Building
Salt Lake City, UT 84114
801-538-3860
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, and/or 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 the manager of Producer Licensing in the Financial Regulation & Licensing Division of 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 Informal Adjudicative Proceeding and Order against Benjamin Henry Neil (“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. On December 3, 2019, the Department received an online license application from Respondent for a resident producer individual insurance license.

i. Respondent answered “Yes” to the criminal background question that asked, “Have you ever been convicted of a misdemeanor, had a judgment withheld or deferred, or are you currently charged with committing a misdemeanor?”

ii. Respondent answered “No” to the criminal background question that asked, “Have you ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony?”

b. Following Respondent’s submission of his application, Respondent provided a written statement regarding his charges for theft and burglary of a vehicle, and copies of a minute entry and motion terminating Respondent’s probation from the court case.

c. My review of court documents on the Utah State Courts' Xchange website shows that on December 8, 1993, Respondent pleaded guilty to violating Utah Code § 76-6-404, Theft, a 3rd Degree Felony, in the Fourth District Court, Provo, Utah County, State of Utah.

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

a. Utah Code § 31A-23a-111(5)(b)(xiv)(A), being convicted of a felony.

b. Utah Code § 31A-23a-111(5)(b), authorizing the Utah Insurance Commissioner ("Commissioner") to act in compliance with the Violent Crime Control and Law Enforcement Act of 1994, 18 U.S.C. § 1033. Respondent, having been convicted of a felony involving dishonesty or breach of trust and having failed to obtain from the Commissioner the required written consent to engage or participate in the business of insurance, is prohibited from engaging in the business of insurance pursuant to Utah Code § 31A-23a-111(5)(b)(xxv) and 18 U.S.C. § 1033(e)(2).

c. Utah Admin. Code R590-281-4(3)(a), applying for a license without first obtaining written consent from the Utah Insurance Commissioner to engage or participate in the business of insurance.

5. Based on the facts and law set forth above, Respondent's application for a Utah resident producer individual insurance license should be denied.

Signed on this 4th day of March, 2020, at Salt Lake City, Utah.



Randy Overstreet
Manager, Producer Licensing
Financial Regulation & Licensing Division
Utah Insurance Department