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BEFORE THE UTAH INSURANCE COMMISSIONER

<p>UTAH INSURANCE DEPARTMENT, Complainant, vs. JACOB GILES, Respondent.</p>	<p>NOTICE OF INFORMAL ADJUDICATIVE PROCEEDING AND ORDER</p> <p>Docket No. 2020-4214</p> <p>Lisa Watts Baskin Presiding Officer</p>
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NOTICE OF INFORMAL ADJUDICATIVE PROCEEDING

The Utah Insurance Department (“Department”) commences this informal adjudicative proceeding against Respondent Jacob Giles (“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 resident producer individual insurance license is revoked.

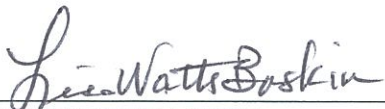
2. Pursuant to Utah Code § 63G-4-203(1)(i) and Utah Admin. Code R590-160-8(1), this informal adjudicative proceeding shall be deemed closed, and this Order shall become final and take full effect, 15 days after this Notice of Informal Adjudicative Proceeding and Order is mailed to Respondent unless a 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 30th day of April, 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, William Stimpson, declare the following:

1. I am currently employed as a market conduct investigator for 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 Informal Adjudicative Proceeding and Order against Jacob Giles (“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 is a resident individual producer holding license no. 696957.

b. Respondent’s address is 1000 Louis Rose Place, Charlotte, North Carolina 28262.

c. On January 29, 2020, American Family Life Assurance Company of Columbus (“AFLAC”) notified the Department that it had terminated Respondent’s appointment for cause for engaging in fraudulent and misleading conduct.

AFLAC’s Internal Investigation of Respondent

d. AFLAC received allegations that Respondent had misrepresented policy benefits or provisions and failed to record known health conditions or other underwriting information on applications.

e. The allegations prompted AFLAC to investigate Respondent.

f. The AFLAC investigator reviewed an enrollment call between Respondent and an applicant (“Applicant”), which provided the following information:

i. Applicant informed Respondent that she had been diagnosed with a health condition. Respondent recommended an insurance product but did not discuss with Applicant the product's pre-existing conditions clause.

ii. Respondent did not ask Applicant any of the underwriting questions contained in the application.

g. After reviewing the call, the investigator reviewed the application and discovered Applicant's health condition was not disclosed, and that all the underwriting questions were answered "No."

h. The investigator made several attempts to contact Respondent to discuss the investigation. Respondent did not respond to the investigator.

i. Based upon the results of the investigation, AFLAC determined that the allegations against Respondent were substantiated.

The Department's Attempts to Contact Respondent

J. On March 26, 2020, the Department attempted to contact Respondent about its investigation via email at the following email address: bpolicensing@gohealth.com. The email address appears to be that of his former employer. The email address was no longer valid.

k. The Department also attempted to contact Respondent by telephone.

l. The Department has been unable to contact Respondent.

m. Respondent has not updated his contact information in SIRCON, nor has he done so with the Department.

4. Based upon the aforementioned paragraphs, the following Utah insurance laws were not complied with:

a. Utah Code § 31A-23a-111(5)(b)(xvi)(A), using fraudulent or dishonest practices in conducting business in this State or elsewhere.

b. Utah Code § 31A-2-202(4)(a), failing to reply promptly to a reasonable inquiry from the Commissioner.

c. Utah Code § 31A-23a-412(1), failing to register and maintain an address, one or more telephone numbers, and a valid business email address at which the Commissioner may contact licensee. Failing to change contact information within 30 days.

5. Based on the aforementioned paragraphs and law set forth above, Respondent's resident producer individual insurance license should be revoked.

Signed on this 28th day of April, 2020, at Salt Lake City, Utah.

/s/ William Stimpson
William Stimpson
Market Conduct Investigator
Utah Insurance Department