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**BEFORE THE UTAH INSURANCE COMMISSIONER**

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<p>UTAH INSURANCE DEPARTMENT,  Complainant,  vs.  JAMES J. MIECZKOWSKI,  Respondent.</p>	<p>NOTICE OF INFORMAL ADJUDICATIVE PROCEEDING AND ORDER  Docket No. 2020-4247</p>
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**NOTICE OF INFORMAL ADJUDICATIVE PROCEEDING**

The Utah Insurance Department (“Department”) commences this informal adjudicative proceeding against Respondent James J. Mieczkowski (“Respondent”) pursuant to Utah Code §§ 31A-2-201 and 63G-4-201 through -203 and to 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 Non-Resident Individual Producer License No. 775927 is revoked.

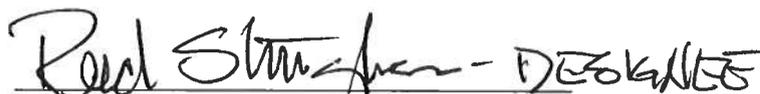
2. Pursuant to Utah Code § 63G-4-203(1)(i) and Utah Admin. Code R590-160-8(1), this informal adjudicative proceeding shall be deemed closed, and this Order shall become final and take full effect 15 days after this Notice of Agency Action and Order is mailed to Respondent, unless a request for a hearing on this matter is received from Respondent prior to that date.

3. A request for a hearing shall be in writing and 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 6 day of August 2020.

TODD E. KISER  
Utah Insurance Commissioner

  
Utah Insurance Department  
3110 State Office Building  
Salt Lake City, UT 84114  
801-538-3860  
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, William 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 Informal Adjudicative Proceeding and Order against James J. Mieczkowski (“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 Non-Resident Individual Producer authorized to do insurance business in the State of Utah. Respondent’s License No. is 775927.

b. On or about May 27, 2020, Respondent was terminated for cause from Freedom Life Insurance Company of America (“Freedom Life”).

c. During an audit, Freedom Life determined that Respondent was engaging in fraudulent activity. Several applicants who appeared to be unrelated and resided in different states were listed as sharing the same bank accounts. In addition, policy packets and/or ID cards mailed to other supposed clients were returned by the Post Office because the address was invalid.

d. On June 22, 2020, I called and left a voicemail for Respondent. He did not return my call.

e. On June 24, 2020 and July 8, 2020. I sent information request letters to the Respondent by email. He did not reply to either email.

f. On June 24, 2020, I sent an information request letter to Respondent by regular mail to the address listed in Sircon. The letter was returned by the Post Office and marked "Return to Sender."

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

- a. Respondent violated Utah Code § 31A-23a-111(5)(b)(xvi)(B) by demonstrating untrustworthiness. He was terminated for cause because he was listing the same bank accounts for applicants who appeared to be unrelated and residing in different states, and because policy packets and/or ID cards mailed to other supposed clients were returned by the Post Office for having an invalid address;
- b. Respondent violated Utah Code § 31A-2-202(4)(a) by failing to respond promptly to a reasonable written inquiry from the Commissioner; and
- c. Respondent violated Utah Code § 31A-23a-412(1) by failing to maintain current contact information with the Department.

5. Based on the facts and law set forth above, Utah Code § 31A-23a-111(5)(b)(ii), and other similar enforcement cases, James J. Mieczkowski's Individual Non-Resident Producer License No. 775927 should be revoked.

DATED this 5<sup>th</sup> day of August, 2020, at Salt Lake City, Salt Lake County, Utah.

/s/ William Stimpson

William Stimpson, Market Conduct Examiner  
Utah Insurance Department