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BEFORE THE UTAH INSURANCE COMMISSIONER

UTAH INSURANCE DEPARTMENT, Complainant, vs. STEVEN K. DAVIS, Respondent.	NOTICE OF AGENCY ACTION AND ORDER Docket No. 2020-4258
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NOTICE OF AGENCY ACTION

The Utah Insurance Department (the “Department”) commences this informal adjudicative proceeding against Respondent Steven K. Davis (“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 Utah 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 Agency Action and Order is emailed to Respondent unless a written 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, 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 22nd day of September, 2020.

TODD E. KISER
Utah Insurance Commissioner

/s/ Reed Stringham-Designee

Utah Insurance Department
3110 State Office Building
Salt Lake City, UT 84114
801-538-3860
Email: uidadmincases@utah.gov

NOTICE REGARDING ENFORCEMENT OF THIS ORDER

Failure to obey this Order may subject you to further penalties that include a forfeiture of up to \$2,500 per violation, with each day of the violation constituting a separate violation. Other penalties for failing to obey this Order may include license suspension, probation, refusal to renew, or revocation. Failure to obey this Order may also result in an action taken against you in a court of competent jurisdiction where forfeitures of up to \$10,000 for each day the failure to comply continues until judgment is rendered. 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, Connie Nowland, declare the following:

1. I am currently employed as a Market Conduct Examiner in 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 Steven K. Davis (“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 June 25, 2020, the Department received from Respondent an Application to Utah Insurance Commissioner for Written Consent to Engage in the Business of Insurance Pursuant to 18 U.S.C. §§ 1033 and 1034 (“1033 Application”), concerning Respondent’s guilty plea for violating Utah Code § 76-6-506.2, Unlawful Use of a Financial Transaction Card, 2nd Degree Felony.

b. Pursuant to 18 U.S.C. § 1033, a person convicted of a felony involving dishonesty or breach of trust must obtain written consent to engage in the business of insurance from the state insurance regulatory official with appropriate jurisdiction.

c. In Utah, that official is the Utah Insurance Commissioner (“Commissioner”).

d. Together with the 18 U.S.C. § 1033 Advisory Committee, the Commissioner reviewed Respondent’s 1033 Application.

e. On August 25, 2020, the Commissioner denied Respondent’s 1033 Application.

f. Pursuant to Department policy, the Commissioner's decision on an application is final, and the applicant has no rights to either reconsideration or appeal.

g. Pursuant to the Department's policy once an application is denied the applicant may not reapply without demonstrating a material change in the facts and circumstances presented in the original application. In no event, may an application be submitted more frequently than once per year.

h. When the Commissioner denies a request for written consent, the applicant is prohibited from engaging in the business of insurance and faces possible federal criminal and civil action and state administrative action for engaging in such business.

i. Pursuant to Utah Code § 31A-23a-111(5)(b)(xxv), the Commissioner may revoke an insurance license when the licensee has been convicted of any criminal felony involving dishonesty or breach of trust and has not obtained written consent to engage in the business of insurance or participate in such business as required by 18 U.S.C. § 1033.

4. Based on the facts and law set forth above, Respondent's Utah resident producer individual insurance license should be revoked.

Signed on this 18th day of September, 2020, at Salt Lake City, Utah.

/s/ Connie Nowland
Connie Nowland
Market Conduct Examiner
Utah Insurance Department