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BEFORE THE UTAH INSURANCE COMMISSIONER

UTAH INSURANCE DEPARTMENT, Complainant, vs. GENE DINGER, Respondent.	AMENDED NOTICE OF AGENCY ACTION AND ORDER Docket No. 2021-4318 Donald H. Hansen Presiding Officer
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NOTICE OF AGENCY ACTION

The Utah Insurance Department (the “Department”) commences this informal adjudicative proceeding against Respondent Gene Dinger (“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 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 sent by email to uidadmincases@utah.gov or by U.S. mail to Office of the Administrative Law Judge, Utah Insurance Department, 4315 South 2700 West, Ste. 2300, Taylorsville, UT 84129. 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 26 day of March, 2021.

JONATHAN T. PIKE
Utah Insurance Commissioner



Donald H. Hansen
Presiding Officer
Utah Insurance Department
4315 South 2700 West, Ste. 2300
Taylorsville, UT 84129
801-957-9321
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, Randy Overstreet, declare the following:

1. I am currently employed as a manager in the Financial Regulation & Licensing Division of 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 Gene Dinger (“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 March 8, 2021, the Department received an online license application from Respondent for a resident producer individual insurance license.

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

ii. Respondent answered “No” to the question “Have you been notified by any jurisdiction to which you are applying of any delinquent tax obligation that is not the subject of a repayment agreement?”

iii. Respondent answered “No” to the question “Do you have a child support obligation in arrearage?”

b. On March 11, 2019, a tax lien/monetary judgment in the amount of \$11,956.64 in favor of the Utah State Tax Commission was entered against Respondent in the Third District Court, Salt Lake County, State of Utah, Case Number 196906703. Based upon the court documents that I have reviewed, this tax lien/monetary judgment remains outstanding.

c. On June 5, 2019, a child support lien was filed, and a monetary judgment entered, against Respondent in the amount of \$10,950.00 in the Third District Court, Salt Lake County, State of Utah, Case Number 196913831. Based upon the court documents that I have reviewed, this judgment was modified on March 3, 2021 to the amount of \$54,274.00 and remains outstanding.

d. On September 24, 2020, Respondent pleaded guilty to violating Utah Code § 76-5-103(1), Aggravated Assault, a Third-Degree Felony, in the Third District Court, West Jordan, Salt Lake County, State of Utah, Case Number 181404644. On February 11, 2021, Respondent was placed on probation for 24 months.

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

a. Utah Admin. Code R590-281-4(1)(c)(i), being ineligible to apply for an insurance license.

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

c. Utah Code § 31A-23a-111(5)(b)(ix), providing incorrect, misleading, or materially untrue information on the license application by answering “No” to the question concerning a delinquent tax obligation.

d. Utah Code § 31A-23a-111(5)(b)(ix), providing incorrect, misleading, or materially untrue information on the license application by answering “No” to the question concerning child support arrearages.

e. Utah Code § 31A-23a-111(5)(b)(xxii), failing to pay state income tax, or to comply with an administrative or court order directing payment of state income tax.

f. Utah Code § 31A-23a-111(5)(b)(xxi), failing to comply with an administrative or court order imposing a child support obligation.

g. Utah Code § 31A-23a-107(2)(a)(ii), failing to meet the trustworthy character requirement.

h. Utah Code § 31A-23a-111(5)(b)(i), being unqualified for a license under Utah Code §§ 31A-23a-104, -105, or -107.

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 24th day of March, 2021, at Salt Lake City, Utah.

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