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**BEFORE THE UTAH INSURANCE COMMISSIONER**

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<p>UTAH INSURANCE DEPARTMENT,  Complainant,  vs.  ALAN CALDERON,  Respondent.</p>	<p><b>NOTICE OF AGENCY ACTION AND ORDER</b></p> <p>Docket No. 2021-4341</p> <p>Donald H. Hansen Administrative Law Judge/Presiding Officer</p>
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**NOTICE OF AGENCY ACTION**

The Utah Insurance Department (the “Department”) commences this informal adjudicative proceeding against Respondent Alan Calderon (“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 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, 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 23<sup>rd</sup> day of August, 2021.

JONATHAN T. PIKE  
Utah Insurance Commissioner

/s/ Donald H. Hansen  
Donald H. Hansen  
Administrative Law Judge/Presiding Officer  
Utah Insurance Department  
4315 South 2700 West, Ste. 2300  
Taylorsville, UT 84129  
801-957-9321  
Email: [uidadmindcases@utah.gov](mailto:uidadmindcases@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, 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 Alan Calderon (“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 Utah resident individual producer holding license no. 609831, which is inactive.

b. Respondent’s license lapsed on March 31, 2021.

c. On May 19, 2021, the Centers for Medicare & Medicaid Services, Center for Consumer Information & Insurance Oversight (collectively “CMS”) notified the Department that CMS had terminated Respondent’s Agent Broker General Agreement for Individual Market Federally-Facilitated Exchanges (“FFE”) and State Based Exchanges (“SBE”), and Non-Exchange Entity Privacy and Security Standards and Implementation Specifications Agreement (collectively “FFE Agreements”) for plan year 2021 (“PY 2021”), effective May 19, 2021.

d. CMS informed the Department that it had terminated Respondent’s FFE Agreements PY2021 for cause because Respondent had “assist[ed] consumers and

facilitat[ed] [Qualified Health Plans] enrollments through an FFE or SBE-FP while lacking a valid license in Utah . . . .”

e. On June 8, 2021, I contacted Respondent, via email and an attached letter, informing Respondent that CMS had notified the Department that CMS had terminated his FFE Agreements.

f. I requested that Respondent provide me all the information regarding his termination and the allegations CMS had asserted against him.

g. I requested that Respondent provide the information to me no later than June 14, 2021.

h. Respondent did not respond to my June 8th letter.

i. On June 26, 2021, I caused to be mailed, via U.S. mail, a letter to Respondent again requesting information about CMS terminating his FFE Agreements. The letter was addressed to: Alan Calderon, 4580 Holladay Blvd., Holladay, UT 84117.

j. I requested that Respondent reply to my letter no later than June 30, 2021.

k. Respondent did not respond to my June 26th letter.

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

a. Utah Code § 31A-23a-103(1), performing or offering to perform services as a producer without a valid individual insurance license.

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 Utah resident producer individual insurance license should be revoked.

Signed on this 23rd day of August, at Salt Lake City, Utah.

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

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this date a true and correct copy of the foregoing Notice of Agency Action and Order, with the Declaration attached to it, was emailed to:

Alan Calderon  
[REDACTED]  
[REDACTED]

and

William Stimpson  
Utah Insurance Department  
[REDACTED]

DATED this 23<sup>rd</sup> day of August, 2021.

/s/ Jeanine Couser  
Jeanine Couser  
Utah Insurance Department  
4315 South 2700 West, Ste. 2300  
Taylorsville, UT 84129  
801-957-9321  
Email: [uidadmincases@utah.gov](mailto:uidadmincases@utah.gov)