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BEFORE THE INSURANCE COMMISSIONER OF THE STATE OF UTAH

<p>UTAH INSURANCE DEPARTMENT, Complainant, vs. KATHRYN ALANE AVERY, Respondent.</p>	<p>FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER Docket No. 2021-4349 Donald H. Hansen Administrative Law Judge/Presiding Officer</p>
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Complainant, Utah Insurance Department (“Department”), and Respondent, Kathryn Alane Avery (“Respondent”), by and through counsel, have stipulated to entry of the following Findings of Fact, Conclusions of Law, and Order. Based upon that stipulation, and good cause appearing, the Presiding Officer makes and enters the following:

FINDINGS OF FACT

1. Respondent is a resident individual producer holding Utah license number 444577.
2. Respondent’s mailing address is [REDACTED]
3. Between April 6, 2020, and April 14, 2020, Respondent received 12 hours of Continuing Education credit for completing 12 online courses administered by Acuity Insurance

("Acuity").

4. Respondent allowed another individual to log in to Acuity's continuing education platform using her credentials and complete several of those courses.

5. Respondent's 12 hours of credit were cancelled in August 2020.

6. The Department and Respondent have agreed to an administrative forfeiture of \$1,500.00.

CONCLUSIONS OF LAW

1. The Utah Insurance Commissioner ("Commissioner") has jurisdiction over the parties and this adjudicative proceeding pursuant to Utah Code §§ 31A-1-105 and 31A-2-201.

2. The Commissioner has legal authority to impose penalties on licensees who violate the Utah Insurance Code pursuant to Utah Code § 31A-2-308.

3. Respondent violated Utah Admin. Rule R590-142-4(1)(b) by allowing other individuals to take continuing education courses using her login credentials to receive continuing education credit.

4. As penalty for the violations in this case, Respondent should be ordered to pay a forfeiture of \$1,500.00.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is hereby Ordered that:

1. Respondent shall pay a forfeiture of \$1,500.00 for the violations described in the Conclusions of Law.

2. Respondent is ordered not to commit the violations described in the Conclusions of Law in the future.

DATED this 15th day of October, 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, Suite 2300
Taylorsville, UT 84129
801-957-9321
Email: uidadmincases@utah.gov

NOTICE TO RESPONDENT

Failure to obey this Order may subject you to further penalties that include forfeitures 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.

CERTIFICATE OF SERVICE

The undersigned certifies that on this date a true and correct copy of the foregoing

Findings of Fact, Conclusions of Law and Order was emailed to:

Thomas A. Brady
Clyde Snow & Sessions

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Helen A. Frohlich
Assistant Attorney General

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DATED this 15th day of October, 2021.

/s/ Jeanine Couser
Jeanine Couser
Utah Insurance Department
4315 South 2700 West, Suite 2300
Taylorsville, UT 84129
801-957-9321