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BEFORE THE UTAH INSURANCE COMMISSIONER

<p>UTAH INSURANCE DEPARTMENT, Complainant, vs. DAMON MICHEAL, Respondent.</p>	<p>NOTICE OF AGENCY ACTION AND ORDER</p> <p>Docket No. 2022-4395</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 agency action as an informal adjudicative proceeding against Damon Micheal (“Respondent”) pursuant to Utah Code § 31A-2-201 and 63G-4-201 through -203 and to Utah Admin. Code R590-160.

This agency action 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 shall forfeit to the Department the amount of \$750.00.
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 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 or by U.S. mail to Office of the Administrative Law Judge, Utah Insurance Department, 4315 S. 2700 W., Suite 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 19th day of July 2022.

JONATHAN T. PIKE
Utah Insurance Commissioner

/s/ Donald H. Hansen
DONALD H. HANSEN
Administrative Law Judge/Presiding Officer
Utah Insurance Department
4315 S. 2700 W., Suite 2300
Taylorsville, UT 84129
Telephone: 801-957-9321
Email: uidadmincases@utah.gov

NOTICE REGARDING ENFORCEMENT OF THE ORDER

Failure to obey this Order may subject you to further penalties that include a forfeiture of up to \$5,000 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 in those jurisdictions.

DECLARATION

Under criminal penalty of Utah law, I, Carrie Backus, 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 Damon Micheal. (“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 producer individual insurance licensee. Respondent’s Utah license number is 835546.

b. Under Utah Code § 31A-2-202(4)(a), Respondent is required to reply promptly in writing or in other designated form to a reasonable written inquiry from the commissioner.

c. On January 24, 2022, the Department received a complaint from the Humane Society of Utah. The complaint alleged the Respondent had sent a threatening email to the Humane Society of Utah, who provided a copy of the threatening email to the Department.

d. That same day, Carrie Backus, Market Conduct Examiner with the Department’s Health and Life Division (Examiner) sent a letter of inquiry to the Respondent via email at damonmicheal77@gmail.com, the Respondent’s email address of record. The letter requested information regarding the complaint and expressed concern that the email sent by Respondent does not promote the professional conduct of an insurance producer.

e. Respondent replied to the Examiner’s email request within fifteen minutes asking for

clarification and stating, “I am disappointed that this organization spends more time causing problems for people than they do actually helping them.”

f. On February 1, 2022, the Department received a response from the Respondent stating the Respondent had determined the complaint to be unsubstantiated and that Respondent would be withdrawing all personal email addresses from the Department’s records, requiring the department to contact him via post mail in the future. On January 31, 2022, according to the Sircon for States history log, the Respondent changed his contact information listed with the Department to:

1. Email address-noemail@noemail.com;
2. Telephone number -669-699-6969; and
3. Mailing address-4315 S 2700 W #2300, Taylorsville UT 84129 (the Department’s Taylorsville state office address).

g. On February 7, 2022, the Examiner emailed a request for a substantive response to the Respondent’s last known email address, reminding Respondent that all licensees were required to maintain a valid email address on file with the commissioner, pursuant to Admin. Code R590-258-3; and asking him to provide a complete and accurate response to a written request from the commissioner, pursuant to Utah Code § 31A-2-202. On February 8, 2022, the Examiner received an email reply from the Respondent stating, “this email is no longer available for use by any department of insurance. Please see Sircon for the correct information.”

h. On February 24, 2022, the Examiner sent an Administrative Demand to Respondent’s last known email address and mailing address and received a same day email reply from the Respondent stating, “This email is not for business use. Business concerns will not be addressed here.”

i. On March 7, 2022, the Examiner re-sent the “certified” letter to Respondent’s last known mailing address at 7400 S. State St. #14302, Midvale UT 84047. The certified receipt was

returned on April 12, 2022, marked “unclaimed.”

j. On March 31, 2022, the Examiner attempted to contact the Respondent by telephone at his telephone numbers on record. When the Examiner called # 408-906-9793 the examiner received a message indicating the number had been changed, disconnected or was no longer in service). The Examiner attempted to call # 669-699-6969 and left an innocuous voice message, even though there was no evidence that this was a valid telephone number.

k. Respondent failed to respond to the any of the requests for information sent via email or post from the Health & Life Market Conduct Division. Respondent continues to evade Department communications by refusing to have correct contact information on file with the Department.

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

a. Respondent violated Utah Code § 31A-2-202(4)(a) by not replying promptly in writing or in other designated form to a reasonable written inquiry from the commissioner.

b. Respondent violated Utah Code § 31A-23a-412(1)(a)(i) by failing to have a business address and phone number registered and maintained with the commissioner.

c. Respondent violated Utah Code § 31A-23a-412(1)(a)(ii) by failing to have a business email address registered and maintained with the commissioner.

d. Respondent violated Utah Code § 31A-23a-412(1)(b) by failing to have a residential address and phone number registered and maintained with the commissioner.

e. Respondent violated Utah Code § 31A-23a-412(1)(c) by failing to notify the commissioner within 30 days of a change of address, telephone number or business email address required to be registered with the commissioner.

f. Respondent violated Utah Admin. Code R590-258-3 by failing to submit to, and maintain with, the commissioner a valid business email address where the person can receive communications from the Department.

g. Respondent violated Utah Code § 31A-23a-111(5)(b)(ii)(A) by violating an insurance statute as outlined above.

h. Respondent violated Utah Code § 31A-23a-111(5)(b)(ii)(B) by violating an insurance rule that is valid under Subsection 31A-2-201(3) as outlined above.

i. Respondent violated Utah Code § 31A-23a-111(5)(b)(xvi)(B) by in the conduct of business in this state or elsewhere demonstrating incompetence, untrustworthiness, or financial irresponsibility.

5. Based on Utah Code § 31A-2-308 and other similar enforcement cases, the proper forfeiture for the violations should be \$750.00.

DATED this 18th day of July, 2022, at Salt Lake City, Salt Lake County, Utah.

/s/ Carrie Backus

Carrie Backus, Market Conduct Examiner
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 sent to:

Damon Micheal

[REDACTED]
[REDACTED]

Damon Micheal

[REDACTED]
[REDACTED]

Damon Micheal

[REDACTED]

Damon Micheal

[REDACTED]

and

Carrie Backus
Utah Insurance Department

[REDACTED]

DATED this 19th day of July, 2022.

/s/ Jeanine Couser

Jeanine Couser
Utah Insurance Department
4315 S. 2700 W., Suite 2300
Taylorsville, UT 84129
801-957-9321