

SHELLEY A. COUDREAUT (9663)
Assistant Attorney General
SEAN D. REYES (7969)
Attorney General
Attorneys for Utah Insurance Department
160 East 300 South, 5th Floor
P.O. Box 140874
Salt Lake City, Utah 84114-0874
Telephone: (801)366-0375
Email: sacoudreaut@agutah.gov

BEFORE THE UTAH INSURANCE COMMISSIONER

UTAH INSURANCE DEPARTMENT, Complainant, vs. JOHN-BROWN KAYEMBE GERRING, Respondent.	FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER Docket No. 2022-4409 Donald H. Hansen Administrative Law Judge/Presiding Officer
---	---

Complainant, Utah Insurance Department ("Department") and Respondent, John Brown Kayembe Gerring, 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 Utah non-resident producer individual insurance licensee holding Utah license number 825786.
2. Respondent's mailing address is [REDACTED].

3. On December 13, 2021, Respondent submitted a new policy for life insurance on behalf of [REDACTED] (Complainant), Policy No. [REDACTED]. The policy was issued on January 3, 2022.

4. On January 4, 2022, Mr. [REDACTED] contacted Security National Life inquiring about an ACH withdrawal from Security National. In response, a copy of the application was provided to Mr. [REDACTED].

5. Mr. [REDACTED] stated that he met with Respondent in September of 2021 but did not agree to the submission of a new insurance application with Security National. Upon review of the application with Mr. [REDACTED], additional misrepresentations were discovered on the application that prompted a full review of all other applications submitted by Respondent.

6. The policy submitted by Respondent for Mr. [REDACTED] was immediately rescinded and the premium payment that was drafted from Mr. [REDACTED]'s account was refunded on January 12, 2022, in the amount of \$119.40.

7. After an internal review of other applications submitted by Respondent, it was the decision of Security National to terminate the appointment of Respondent.

8. An investigation by the Department found that Respondent had allowed a third-party vendor to send advertising mailers to a Utah consumer that would cause a reasonable person to mistakenly believe that a state or federal agency created the advertisement.

9. The format and envelope of the mailer made it look like an official mailer from the IRS.

10. The mailers did not disclose that they were associated with an insurance licensee.

11. The Department and Respondent have agreed to an administrative forfeiture of

\$629.00.

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 the Department's licensees who violate the Utah Insurance Code. Utah Code § 31A-2-308.

3. Respondent violated Utah Code § 31A-23a-402 by using an advertisement that would cause a reasonable person to mistakenly believe that it came from a state or federal agency.

4. Respondent violated Utah Admin Rule R590-130-6 when the format and content of its advertisement was not complete and clear to avoid deceiving or misleading the reader or viewer.

5. Respondent violated Utah Admin Rule R590-154-6 when his mailers failed to disclose that he was an insurance licensee.

6. As penalties for the violations in this case, Respondent should be ordered to pay a forfeiture of \$629.00.

ORDER

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

1. Respondent shall pay a forfeiture of \$629.00 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 5th 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 South 2700 West, Suite 2300
Taylorsville, UT 84159
801-957-9321
Email: uidadmincases@utah.gov

NOTICE TO RESPONDENT

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 in 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:

John-Brown Kayembe Gerring

████████████████████

and

Shelley A. Coudreaut
Assistant Attorney General
sacoudreaut@agutah.gov

DATED this 5th day of July, 2022.

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