

HELEN A. FROHLICH #8814
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: hfrohlich@agutah.gov

BEFORE THE UTAH INSURANCE COMMISSIONER

UTAH INSURANCE DEPARTMENT, Complainant, vs. ROBERT LEE BROGAN, Respondent.	NOTICE OF AGENCY ACTION AND ORDER Docket No. 2022-4411 Donald H. Hansen Administrative Law Judge/Presiding Officer
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NOTICE OF AGENCY ACTION

The Utah Insurance Department (the “Department”) commences this agency action as an informal adjudicative proceeding against Respondent Robert Lee Brogan (“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 laws 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 -7.

ORDER

Based on the facts and the laws set forth in the attached Declaration, and good cause appearing, the Utah Insurance Commissioner orders as follows:

1. Respondent's resident producer individual insurance license number 547888 is revoked.

2. Pursuant to Utah Code § 63G-4-203(1)(i) and Utah Admin. Code R590-160-7(1), this informal adjudicative proceeding shall be 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., Taylorsville, UT 84129. The request for hearing 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 is a failure to exhaust administrative remedies and precludes any further administrative or judicial review or appeal of this matter.

DATED this 18th 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 the 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 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 judgement 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, Karen Maybury, declare the following:

1. I am currently employed as a Market Conduct Examiner by 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 Robert Lee Brogan (“Respondent”) to which this Declaration is attached.

3. Based on my personal knowledge and based on the facts appearing in the Department’s records and files, the following facts are true:

a. Respondent holds Utah resident producer individual insurance license number 547888.

b. Respondent has held this license since 2015.

c. On or about March 14, 2022, Respondent applied to renew his license. He answered “no” to the question that asked whether he had been charged with committing a felony.

d. On or about December 3, 2021, Respondent was charged with Financial Exploitation of a Vulnerable Adult, a 2nd degree felony, and Theft, a 2nd degree felony. *See State of Utah vs. Robert Lee Brogan*, case no. 2115042453, Washington County, State of Utah.

e. The initial appearance in the above case was on January 13, 2022. To date, Respondent has not informed the Department of this criminal prosecution.

f. On or about September 14, 2017, a monetary judgment in the amount of \$21,174.57 was entered against Respondent. A writ of continuing garnishment was issued on September 11, 2020. Based upon the court documents that I reviewed, this case remains

outstanding. *See* Security National Life Ins. Co. vs. Robert L. Brogan, case no. 170905450, Salt Lake County, State of Utah.

g. On or about January 21, 2019, a paperless tax lien in the amount of \$6,255.08 was entered against Respondent. A writ of continuing garnishment was issued on July 18, 2019. *See* Utah State Tax Commission vs. Robert L. Brogan, case no. 196500059, Iron County, State of Utah.

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

- a. Utah Code § 31A-23a-111(5)(b)(ix) by providing information on the license application that was incorrect and materially misleading by answering “no” to the question that asked if Respondent was charged with committing a felony;
- b. Utah Code § 31A-23a-105(2)(b) and (c) by failing to report a criminal prosecution to the Department within 30 days of the initial court appearance;
- c. Utah Code § 31A-23a-111(5)(b)(xxii), by failing to pay state income tax, or to comply with an administrative or court order directing payment of state income tax;
- d. Utah Code § 31A-23a-111(5)(b)(iv), by failing to pay a final judgment rendered against Respondent in this state within 60 days after the day on which the judgment became final;
- e. Utah Code § 31A-23a-107(2)(a)(ii), by failing to meet the trustworthy character requirement; and
- f. Utah Code § 31A-23a-111(5)(b)(i), by being unqualified for a license under Utah Code § 31A-23a-104, 105, or 107.

5. Based on Utah Code § 31A-2-308 and consistent with prior administrative actions taken by the Department, Respondent's resident producer individual insurance license number 547888 should be revoked.

Signed on this 14th day of July 2022, at Salt Lake City, Utah.

/s/ Karen Maybury
Karen Maybury
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 emailed to:

Robert Brogan
[REDACTED]

and

Karen Maybury
Utah Insurance Department
[REDACTED]

DATED this 18th day of July, 2022.

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