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BEFORE THE UTAH INSURANCE COMMISSIONER

<p>UTAH INSURANCE DEPARTMENT, Complainant, vs. BENJAMIN CARLOS WILSON, Respondent.</p>	<p>NOTICE OF AGENCY ACTION AND ORDER Docket No. 2022-4412 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 Respondent Benjamin Carlos Wilson (“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 request to renew his non-resident producer individual insurance license number 746893 is denied.

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 21st 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, Randy Overstreet, declare the following:

1. I am currently employed as Manager of Producer Licensing in the Financial Regulation & Licensing Division 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 Agency Action and Order against Benjamin Carlos Wilson (“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 non-resident producer individual insurance license number 746893.

b. Respondent has held this license since 2019.

c. On or about February 28, 2020, a market conduct examiner sent a written request by email to Respondent requesting information regarding a termination for cause. The market conduct examiner also left Respondent a voicemail at his telephone number on file with the Department. The Respondent did not respond.

d. On June 3, 2022, the Department received an application for renewal of Respondent’s insurance license.

e. On or about June 21, 2022, the market conduct examiner sent a written request to Respondent by email requesting information regarding the 2020 termination for cause. He did not respond.

f. On or about July 7, 2022, the market conduct examiner called Respondent and spoke with him. Respondent indicated that he was not selling insurance in Utah, did not know who had requested renewal of his Utah license, and terminated the call.

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

a. Utah Code § 31A-2-202(4) by failing to promptly reply to a reasonable written inquiry from the commissioner; and

b. Utah Code § 31A-23a-111(5)(b)(ii)(A) by violating an insurance statute.

5. Based on Utah Code § 31A-2-308 and consistent with prior administrative actions taken by the Department, Respondent's request to renew his non-resident producer individual insurance license number 746893 should be denied.

Signed on this 20th day of July 2022, at Salt Lake City, Utah.

/s/ Randy Overstreet
Randy Overstreet, Manager, Producer Licensing
Financial Regulation & Licensing Division
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:

Benjamin Carlos Wilson
[REDACTED]

and

Randy Overstreet
Utah Insurance Department
[REDACTED]

DATED this 21st day of July, 2022.

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