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BEFORE THE UTAH INSURANCE COMMISSIONER

<p>UTAH INSURANCE DEPARTMENT, Complainant, vs. MARDY GOULD, Respondent.</p>	<p>NOTICE OF AGENCY ACTION AND ORDER</p> <p>Docket No. 2022-4419</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 Mardy Gould (“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's non-resident producer individual insurance license number 767716 is revoked.
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 17th day of August, 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, Bill Stimpson, 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 Mardy Gould (“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 non-resident Producer individual insurance licensee domiciled in Florida and authorized to do insurance business in Utah under Utah license number 767716.

b. Respondent had his insurance licenses revoked in numerous states including California, Nebraska and South Dakota resulting from violations of the Unfair Insurance Practices Act, unauthorized insurance business and demonstrating lack of fitness or trustworthiness, in which the Respondent used marketing ads with photos depicting current State Governors to sell what he is marketing as “state approved health insurance plans.”

c. Respondent failed to report to the commissioner the revocation of his licenses in other states as required by Utah Code 31A-23a-111(7).

d. Subsequent investigation into the Respondent's Utah marketing practices found the Respondent also used an advertisement depicting Utah's current Governor to market and sell what he advertises as "state approved health insurance plans" in 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)(xvii), by having an insurance license denied, suspended, revoked, or surrendered to resolve an administrative action in other states;

b. Utah Code § 31A-23a-111(5)(b)(xvi)(A)(B), by in the conduct of business using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility; when he allowed advertisements that are misleading or dishonest;

c. Utah Code § 31A-23a-111(5)(b)(ii) by having violated an insurance statute or rule;

d. Utah Code § 31A-23a-111(5)(b)(x) by having violated an insurance law, valid rule, or valid order of another regulatory agency in any jurisdiction;

e. Utah Code § 31A-23a-111(5)(b)(xv) by having admitted or been found to have committed an insurance unfair trade practice or fraud;

f. Utah Code § 31A-23a-111(5)(b)(xxiv) by engaging in a method or practice in the conduct of business that endangers the legitimate interest of customers and the public; and

g. Utah Code § 31A-23a-111(7)(a) by failing to immediately report to the commissioner a revocation, suspension, or limitation of the person's license in another state.

5. Based on Utah Code § 31A-2-308 and other similar enforcement cases, the

Respondent's insurance license should be revoked.

DATED this 16th day of August, 2022, at Salt Lake City, Salt Lake County, Utah.

/s/ Bill Stimpson

Bill Stimpson, 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:

Mardy Gould
[REDACTED]

and

Bill Stimpson
Utah Insurance Department
[REDACTED]

DATED this 17th day of August, 2022.

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