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BEFORE THE UTAH INSURANCE COMMISSIONER

<p>UTAH INSURANCE DEPARTMENT, Complainant, vs. AMANDA HOFFMAN, Respondent.</p>	<p>NOTICE OF AGENCY ACTION AND ORDER</p> <p>Docket No. 2022-4421</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 Amanda Hoffman (“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 1878497 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 25th 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, Tracy L. Klausmeier, declare the following:

1. I am currently employed as Director of Property and Casualty 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 Informal Adjudicative Proceeding and Order against Amanda Hoffman (“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 non-resident producer individual insurance licensee.

Respondent’s Utah license number is 1878497.

b. Pursuant to Utah Code § 31A-23a-412 and Admin. Code R590-258-3, Respondent is required to register and maintain with the commissioner an address, telephone number, and valid email addresses at which the commissioner may contact the Respondent.

c. 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.

d. On February 11, 2022, the Department received notice that an administrative action had been taken against the Respondent in Wisconsin. Subsequent investigation uncovered administrative actions, either suspending or revoking Respondent’s licenses, had also been taken against the Respondent in multiple other jurisdictions, including South Dakota, New Mexico, Washington, and Louisiana.

e. The Respondent failed to report the actions to the Department as required pursuant to

Utah Code § 31A-23a-105(2).

f. On March 9, 2022, Royalyn Andrus (Andrus), a producer licensing specialist with the Department's Financial Regulation and Licensing Division, sent a letter of inquiry to the Respondent via email at [REDACTED], the Respondent's email address on record. The letter requested information regarding the administrative action taken against the Respondent in another jurisdiction.

g. Respondent failed to respond to the Department's March 9, 2022, request for information. Andrus referred the matter to the Market Conduct Division on March 23, 2022.

h. On June 2, 2022, Tracy Klausmeier, Director of the Property and Casualty Division, sent a certified letter to the Respondent's Idaho business address on record. A copy of the letter was also emailed to the Respondent at her email address on record.

i. On June 23, 2022, the certified letter was returned "unclaimed" (as opposed to "undeliverable".)

j. On June 19, 2022, Tracy Klausmeier called the Respondent at her phone number on record. A female answered but said she was not the Respondent.

k. On July 19, 2022, Tracy Klausmeier again emailed the Respondent at the email address on record. The email did not bounce back as undeliverable, and no response was ever received.

l. The Department has tried every means of contact available to them to contact Respondent.

m. Respondent failed to respond to the any of the requests for information sent via email or post from the Department.

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

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

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

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

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

j. 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 24th day of August 2022, at Salt Lake City, Salt Lake County, Utah.

/s/ Tracy Klausmeier _____
Tracy Klausmeier, 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:

Amanda Hoffman
[REDACTED]
[REDACTED]

Amanda Hoffman
[REDACTED]

and

Tracy Klausmeier
Utah Insurance Department
[REDACTED]

DATED this 25th day of August 2022.

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