

HELEN A. FROHLICH #8814
Assistant Utah Attorney General
SEAN D. REYES #7969
Utah 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
hfrohlich@agutah.gov

BEFORE THE UTAH INSURANCE COMMISSIONER

<p>UTAH INSURANCE DEPARTMENT, Complainant, vs. GAJE JACE FERGUSON, Respondent.</p>	<p>FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER</p> <p>Docket No. 2022-4424</p> <p>Donald H. Hansen Administrative Law Judge/Presiding Officer</p>
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Complainant, Utah Insurance Department ("Department") and Respondent, Gaje Jace Ferguson ("Respondent"), 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 resident individual producer holding Utah license number 759406.
2. Respondent's mailing address is [REDACTED].
3. In July 2022, the Department opened an investigation regarding Respondent's

advertising mailers.

4. In 2021 and 2022, Respondent used a third-party vendor to send advertising mailers to Utah consumers. Respondent purchased 58 mailers from the vendor and sold 16 policies as a result of the mailers.

5. The mailers misleadingly implied that the recipient was eligible for a government program to help pay for funeral expenses.

6. The format and envelope of the mailers made it appear as if they came from a state or federal agency.

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

8. The Department and Respondent have agreed to an administrative forfeiture of \$3,060.92.

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 licensees who violate the Utah Insurance Code pursuant to 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. Code R590-130-6 when the format and content of his advertisement was not complete and clear to avoid deceiving the reader or viewer.

5. Respondent violated Utah Admin. Code R590-154-6 when he used an advertisement that 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 \$3,060.92.

ORDER

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

1. Respondent shall pay a forfeiture of \$3,060.92 for the violations described in the Conclusions of Law. The forfeiture shall be paid in full to the Department no later than 30 days after this order is signed.

2. Respondent is ordered not to commit the violation described in the Conclusions of Law in the future.

DATED this 22nd day of September, 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 84129
801-957-9321
Email: uidadmincases@utah.gov

NOTICE TO RESPONDENT

Failure to obey this Order may subject you to further penalties that include forfeitures 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 to 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:

Gaje Jace Ferguson
[REDACTED]

Helen A. Frohlich
Assistant Attorney General
hfrohlich@agutah.gov

DATED this 22nd day of September, 2022.

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