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**BEFORE THE UTAH INSURANCE COMMISSIONER**

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<p>UTAH INSURANCE DEPARTMENT,  Complainant,  vs.  DAMON MICHEAL,  Respondent.</p>	<p>NOTICE OF AGENCY ACTION AND ORDER</p> <p>Docket No. 2022-4425</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 Damon Micheal (“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 resident producer individual insurance license number 835546 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](mailto: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 14<sup>th</sup> 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 S. 2700 W., Suite 2300  
Taylorsville, UT 84129  
Telephone: 801-957-9321  
Email: [uidadmincases@utah.gov](mailto: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, Carrie Backus, 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 Damon Micheal (“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 resident producer individual insurance licensee. Respondent’s Utah license number is 835546.

b. 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.

c. On January 24, 2022, the Department received a complaint from the Humane Society of Utah. The complaint alleged the Respondent had sent a threatening email to the Humane Society of Utah, who provided a copy of the threatening email to the Department.

d. That same day, Carrie Backus, Market Conduct Examiner with the Department’s Health and Life Division (Examiner) sent a letter of inquiry to the Respondent via email at [REDACTED], the Respondent’s email address of record. The letter requested information regarding the complaint and expressed concern that the email sent by Respondent does not promote the professional conduct of an insurance producer.

e. Respondent replied to the Examiner’s email request within fifteen minutes asking for clarification and stating, “I am disappointed that this organization spends more time causing

problems for people than they do actually helping them.”

f. On February 1, 2022, the Department received a response from the Respondent stating the Respondent had determined the complaint to be unsubstantiated and that Respondent would be withdrawing all personal email addresses from the Department’s records, requiring the department to contact him via post mail in the future. On January 31, 2022, according to the Sircon for States history log, the Respondent changed his contact information listed with the Department to:

1. Email address- [REDACTED];
2. Telephone number - [REDACTED]; and
3. Mailing address- [REDACTED] (the Department’s Taylorsville state office address).

g. On February 7, 2022, the Examiner emailed a request for a substantive response to the Respondent’s last known email address, reminding Respondent that all licensees were required to maintain a valid email address on file with the commissioner, pursuant to Admin. Code R590-258-3; and asking him to provide a complete and accurate response to a written request from the commissioner, pursuant to Utah Code § 31A-2-202. On February 8, 2022, the Examiner received an email reply from the Respondent stating, “this email is no longer available for use by any department of insurance. Please see Sircon for the correct information.”

h. On February 24, 2022, the Examiner sent an Administrative Demand to Respondent’s last known email address and mailing address and received a same day email reply from the Respondent stating, “This email is not for business use. Business concerns will not be addressed here.”

i. On March 7, 2022, the Examiner re-sent the “certified” letter to Respondent’s last known mailing address at [REDACTED]. The certified receipt was returned on April 12, 2022, marked “unclaimed.”

j. On March 31, 2022, the Examiner attempted to contact the Respondent by telephone at

his telephone numbers on record. When the Examiner called # [REDACTED] the examiner received a message indicating the number had been changed, disconnected or was no longer in service). The Examiner attempted to call # [REDACTED] and left an innocuous voice message, even though there was no evidence that this was a valid telephone number.

k. Respondent failed to respond to the any of the requests for information sent via email or post from the Health & Life Market Conduct Division. Respondent continued to evade Department communications by refusing to have correct contact information on file with the Department.

l. On July 19, 2022, a Notice of Agency Action and Order was sent certified mail and emailed to Respondent assessing a forfeiture of \$750.00 for his failure to respond to the Department's requests for information. Pursuant to Utah Code § 63G-4-203(1)(i) and Utah Admin. Code R590-160-8(1), Respondent had 15 days to request a hearing in response to the Agency Action before it became final. (See docket number 2022-4395).

m. In a same day response, Respondent emailed the Department asking "OK, did you at least note that I do have insurance?" "What happens if I move within 14 days and get a new registration from another state?"

n. The following day, on July 20, 2022, the Department sent a clarifying email to the Respondent explaining the Agency Action and Order and included an offer for Respondent to surrender his license in lieu of the administrative action.

o. On August 9, 2022, the documents sent to Respondent via certified mail were returned marked "Not Deliverable". The Department has had no further communications with the respondent.

p. To date, the Respondent has not requested a hearing, and the order requiring Respondent to pay a forfeiture of \$750.00 became final on August 3, 2022. Respondent failed to

comply with the Agency Action and Order and failed to pay the forfeiture of \$750.00 by August 18, 2022, as ordered under docket number 2022-4395.

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

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

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

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

h. Respondent violated 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. Respondent violated Utah Code § 31A-23a-111(5)(b)(ii)(C) by violating an order that is valid under Subsection 31A-2-201(4).

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

5. Based on Utah Code § 31A-2-308, 31A-23a-111 and other similar enforcement cases, the Respondent's insurance license should be revoked.

DATED this 12th day of September, 2022, at Salt Lake City, Salt Lake County, Utah.

/s/ Carrie Backus  
Carrie Backus, 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 sent to:

Damon Micheal

[REDACTED]  
[REDACTED]

Damon Micheal

[REDACTED]  
[REDACTED]

Damon Micheal

[REDACTED]

Damon Micheal

[REDACTED]

and

Carrie Backus  
Utah Insurance Department

[REDACTED]

DATED this 14<sup>th</sup> day of September 2022.

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