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BEFORE THE UTAH INSURANCE COMMISSIONER

<p>UTAH INSURANCE DEPARTMENT, Complainant, vs. COMPLETE CARE HOME WARRANTY, LLC, Respondent.</p>	<p>CEASE AND DESIST ORDER Docket No. 2023-4462 Donald H. Hansen Administrative Law Judge/Presiding Officer</p>
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COMES NOW, Jonathan T. Pike, Utah Insurance Commissioner (“Commissioner”),
through his presiding officer, and in support of this Cease and Desist Order states:

JURISDICTION

Pursuant to Utah Code § 31A-2-201(4)(a), the Commissioner shall issue prohibitory orders to secure compliance with Utah Code, Title 31A. Pursuant to Utah Code § 31A-1-105(2), any person purporting to do an insurance business is subject to the jurisdiction of the Commissioner.

Based upon the investigation and file information of the Utah Insurance Department (“the

Department”), the Commissioner, through his presiding officer, makes and enters the following:

FINDINGS OF FACT

1. Complete Care Home Warranty LLC (“Complete Care”) is an unregistered entity that has sold at least one home warranty policy to a Utah consumer.

2. As of December 16, 2022, Complete Care’s website,

[REDACTED], is no longer accessible through the internet.

3. Complete Care had a physical address of [REDACTED]

[REDACTED]. The Department’s Market Conduct Examiner Ryan Hashimoto (“Hashimoto”) sent a certified letter to this address on October 25, 2022, which was returned on November 16, 2022 marked “Not deliverable as addressed. Unable to forward.”

4. Complete Care is not registered with the Department or the Utah Department of Corporations.

5. Complete Care has not filed its home warranty contracts with the Department.

6. Complete Care has not demonstrated to the Department that it has a financial backing mechanism to honor claims.

7. Between October 7, 2022, and November 10, 2022, Hashimoto sent numerous emails and certified letters requesting information to Complete Care. Although Complete Care sent two brief and general responses, they did not provide a substantive response to the Department’s concerns or provide any of the requested documentation.

CONCLUSIONS OF LAW

1. Utah Code § 31A-6a-103(2)(a) requires a service contract provider to be registered with the Department. Complete Care is not registered and therefore may not sell its

home warranty contracts to Utah consumers.

2. Utah Code § 31A-6a-103(2)(b) requires a service contract provider to file its service contracts with the Department before issuing, selling, or offering the contracts for sale. Complete Care did not file its service contracts with the Department.

3. Utah Code § 31A-6a-103(2)(b) requires a home warranty company to demonstrate to the Department that it has a financial backing mechanism to honor legitimate claims. Complete Care has not provided this information to the Department.

4. Utah Code § 31A-2-202(1) requires a person who is subject to regulation by the Department to provide a substantive response to the commissioner when requested. Complete Care did not provide a substantive response or any of the requested documentation to the Department.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby ordered that:

1. Complete Care Home Warranty LLC shall immediately Cease and Desist from soliciting, negotiating, issuing, or renewing any home warranty contract in Utah with residents of Utah through any means, including through any website, the internet (including via e-mail), the toll-free number, or otherwise.

2. Pursuant to Utah Code § 63G-4-203(1)(i) and Utah Admin. Code R590-160-7(1), this Order shall become final and take full effect, 15 days after this 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 state the basis for the relief requested.

4. 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 January, 2023.

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
Salt Lake City, 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 \$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 to those jurisdictions.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this date a true and correct copy of the foregoing

Cease and Desist Order was emailed to:

Complete Care Home Warranty LLC

██
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██
██

Ryan Hashimoto

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Utah Insurance Department
4315 S. 2700 W., Suite 2300
Salt Lake City, UT 84129

DATED this 17th day of January, 2023.

/s/ Jeanine Couser _____
Jeanine Couser
Utah Insurance Department
4315 S. 2700 W., Suite 2300
Salt Lake City, UT 84121
Telephone (801) 957-9321