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BEFORE THE UTAH INSURANCE COMMISSIONER

<p>UTAH INSURANCE DEPARTMENT, Complainant, vs. MICHAEL PARKS, Respondent.</p>	<p>NOTICE OF AGENCY ACTION AND ORDER</p> <p>Docket No. 2023-4480</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 Michael Parks (“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 -7.

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 537954 is revoked.

2. Pursuant to Utah Code § 63G-4-203(1)(i) and Utah Admin. Code R590-160-7(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 28th day of February 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
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 \$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 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 Michael Parks (“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 537954.

b. On August 16, 2022, the Department received notice that an administrative action had been taken against the Respondent in Indiana suspending his license due to a complaint investigation that demonstrated lack of fitness or trustworthiness. Subsequent investigation uncovered administrative actions, either suspending or revoking Respondent’s licenses, had also been taken against the Respondent in multiple other jurisdictions, including Louisiana, which revoked Respondent’s license due to failure to report other states actions, and Iowa, which revoked Respondent’s license due to failure to respond.

c. The Respondent failed to report the actions to the Department as required pursuant to Utah Code § 31A-23a-105(2).

d. Respondent’s email address on record with the Department is an employer email with USAA. USAA reports the Respondent was terminated for cause when he failed to access quick

quotes during the original conversations with customers, only accessing quick quotes after the call.

e. Respondent's phone number on record with the Department is no longer in service.

f. Department records show Respondent's Texas resident license status as "cancelled / voluntarily surrender enf".

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

a. Pursuant to Utah Code § 31A-23a-105(2)(a)(b) by failing to report to the commissioner an administrative action taken against the person, including a denial of a new or renewal application in another jurisdiction, within 30 days of the final disposition of the administrative action.

b. Pursuant to Utah Code § 31A-23a-111(5)(b)(xvii) by having had an insurance license or other professional or occupational license, or an equivalent to an insurance license or registration or other professional or occupational license or registration suspended or revoked.

c. 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.

d. 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.

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

f. 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.

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

DATED this 27th day of February 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:

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████████████████████
████████████████████

and

Tracy Klausmeier
Utah Insurance Department
████████████████████

DATED this 28th day of February 2023.

/s/ Jeanine Couser

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