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BEFORE THE UTAH INSURANCE COMMISSIONER

<p>UTAH INSURANCE DEPARTMENT,  Complainant,  vs.  TROY STEVEN SPECKMANN,  Respondent.</p>	<p><b>NOTICE OF AGENCY ACTION AND ORDER</b></p> <p>Docket No. 2023-4482</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 Troy Steven Speckmann (“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 823876 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](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 10<sup>th</sup> day of March 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](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 \$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, Connie Nowland, 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 Troy Steven Speckmann (“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 residing in Nebraska. Respondent’s Utah license number is 823876.
  - b. On September 9, 2022, the Department received notice from Mutual of Omaha Insurance Company (“Mutual of Omaha”) that it had terminated Respondent’s agent appointments, effective September 1, 2022.
  - c. Mutual of Omaha reported they had conducted an internal investigation which revealed that, on or about August 25, 2022, Respondent submitted a guaranteed whole life insurance policy application to enroll a consumer in a Mutual of Omaha healthcare plan, but the voice authorization and signature portion of the application was completed by the Respondent, not the potential policyholder, without permission or authorization from the proposed insured. These findings were substantiated by review of a recorded call between the potential policyholder and the Respondent, as well as a review of the Respondent’s computer screen activities during the time the application was submitted.

d. Mutual of Omaha reported that Respondent informed the customer that a “voice signature” would be needed to complete the customer’s application for a life insurance policy during the call, then, before the voice signature was captured, the customer’s daughter ended the call abruptly. Although the customer’s daughter had ended the call, Mutual of Omaha reported that the Respondent stayed on the phone for two additional minutes, and during that time, Respondent completed the voice signature portion of the application by clicking required boxes and clicked additional required boxes so that the application would be submitted.

e. On February 6, 2023, as a result of the above conduct, the Nebraska Department of Insurance revoked Respondent’s residential insurance license # 10255905 (*See State of Nebraska Department of Insurance vs Troy Speckmann, Cause No. A-2309*). Based on evidence presented in that agency action hearing, the administrative hearing officer made findings that Respondent committed an unfair trade practice or fraud, Respondent engaged in behavior that was coercive and dishonest in his dealings with a prospective policy holder, that Respondent had made a conscious choice to lie in his response to the Nebraska Department of Insurance’s query letter, and that Respondent’s actions demonstrated a level of dishonest and untrustworthy conduct incompatible with the high ethical and moral standards required of an insurance producer.

f. Respondent failed to report the revocation of his Nebraska license to the Department as required pursuant to Utah Code § 31A-23a-105(2).

g. In a response to the Department dated December 2, 2022, Respondent stated the customer gave him consent several times along with his daughter on speaker phone, but they needed to answer the door and said they had to call him back. Since he received consent on several occasions from the insured, he told them he would call back to confirm completion of the application. He was under the impression that enough was done during this process, and he

finished the application. Later that day or the next day, he called the customer back to confirm completion and was notified that the customer changed their mind and wanted to cancel, so he transferred the customer to his customer service team per their wishes. Respondent stated “technically the application was not written and therefore was not a forgery.”

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)(i), by being unqualified for a license or line of authority under Section 31A-23a-104, 31A-23a-105, or 31A-23a-107;

c. Pursuant to Utah Code § 31A-23a-111(5)(b)(ii), by violating an insurance statute or rule as outlined herein;

d. Pursuant to Utah Code § 31A-23a-111(5)(b)(xv), by having admitted to or been found to have committed an insurance unfair trade practice or fraud;

e. Pursuant to Utah Code § 31A-23a-111(5)(b)(xvi), by in the conduct of business in this state or elsewhere used fraudulent, coercive, or dishonest practices; or demonstrated incompetence, untrustworthiness, or financial irresponsibility;

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

g. Pursuant to Utah Code § 31A-23a-111(5)(b)(xviii) by forging another’s name to an application for insurance or a document related to an insurance transaction;

h. Pursuant to Utah Code § 31A-23a-111(5)(b)(xxiv) by engaging in a method or practice in the conduct of business that endangers the legitimate interests of customers and the public;

i. Pursuant to 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, the District of Columbia, or a territory of the united States; and

j. Pursuant to Utah Code § 31A-23a-402(1)(a)(i) by making or causing to be made any communication that contains false or misleading information, relating to an insurance product or contract, any insurer, or any licensee under this title, including information that is false or misleading because it is incomplete.

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

DATED this 9th day of March 2023, at Salt Lake City, Salt Lake County, Utah.

/s/ Connie Nowland  
Connie Nowland, 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:

Troy Steven Speckmann

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

and

Connie Nowland  
Utah Insurance Department

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DATED this 10<sup>th</sup> day of March 2023.

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