

HELEN A. FROHLICH #8814  
Assistant Attorney General  
SEAN D. REYES #7969  
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  
Email: [hfrohlich@agutah.gov](mailto:hfrohlich@agutah.gov)

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**BEFORE THE UTAH INSURANCE COMMISSIONER**

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UTAH INSURANCE DEPARTMENT,  Complainant,  vs.  MICHELLE ENCARNACION,  Respondent.	NOTICE OF AGENCY ACTION AND ORDER  Docket No. 2023-4485  Donald H. Hansen Administrative Law Judge/Presiding Officer
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**NOTICE OF AGENCY ACTION**

The Utah Insurance Department (the “Department”) commences this agency action as an informal adjudicative proceeding against Respondent Michelle Encarnacion (“Respondent”) pursuant to Utah Code §§ 31A-2-201 and 63G-4-201 through -203 and 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 Utah nonresident producer individual insurance license number 846253 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 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 written 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., Taylorsville, UT 84129.

4. The request for hearing shall state the basis for the relief requested.

5. If you fail to request a hearing you will be bound by this Order. Failure to request a hearing is a failure to exhaust administrative remedies and precludes any further administrative or judicial review or appeal of this matter.

DATED this 21<sup>st</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 THIS 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 to those jurisdictions.

## **DECLARATION**

Under criminal penalty of Utah law, I, Tracy Klausmeier, declare the following:

1. I am currently employed as the Director of the Property and Casualty Division of 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 Agency Action and Order against Michelle Encarnacion (“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. The Department issued Utah nonresident producer individual insurance license number 858339 to Respondent on June 23, 2021.

b. On March 3, 2022, Connecticut revoked Respondent’s insurance license.

c. On June 17, 2022, California revoked Respondent’s insurance license.

d. On June 20, 2022, Indiana suspended Respondent's insurance license.

e. On December 7, 2022, Louisiana revoked Respondent’s insurance license.

f. Respondent did not report the Connecticut revocation to the Department until November 11, 2022.

g. Respondent reported the Proposed Regulatory Action from Louisiana to the Department on January 11, 2023. She did not report the final agency action revoking her license.

h. Respondent did not report the California revocation or Indiana suspension to the Department.

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

a. Respondent violated Utah Code § 31A-23a-105(2)(b) and (c) by failing to report final actions taken against her insurance license in California, Indiana, Connecticut, and Louisiana within 30 days.

b. Respondent violated Utah Code § 31A-23a-111(5)(b)(xvii)(B) and (C) by having her insurance license revoked in Connecticut, California, and Louisiana and suspended in Indiana.

c. Respondent violated Utah Code § 31A-23a-111(7)(a) by failing to immediately report to the commissioner the revocation and suspension of her licenses in other states.

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

5. Based on Utah Code §§ 31A-2-308, 31A-23a-111 and other similar enforcement cases, Respondent's non-resident producer individual insurance license number 846253 should be revoked.

Signed on this 20<sup>th</sup> day of March, 2023, at Salt Lake City, Utah.

/s/ Tracy Klausmeier  
Tracy Klausmeier  
Director, Property and Casualty Division  
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 emailed to:

Michelle Encarnacion

████████████████████  
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██  
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and

Tracy Klausmeier  
Utah Insurance Department

████████████████████  
4315 S. 2700 W., Suite 2300  
Taylorsville, UT 84129

DATED this 21<sup>st</sup> day of March, 2023.

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