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BEFORE THE UTAH INSURANCE COMMISSIONER

UTAH INSURANCE DEPARTMENT, Complainant, vs. DARNELL WESLEY HAYES, Respondent.	NOTICE OF AGENCY ACTION AND ORDER Docket No. 2023-4496 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 Darnell Wesley Hayes (“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 738792 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 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 6th day of April, 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 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, William Stimpson, declare the following:

1. I am currently employed as a Market Conduct Examiner by 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 Darnell Wesley Hayes (“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 738792 to Respondent on September 3, 2019.

b. On October 14, 2022, The Chesapeake Life Insurance Company terminated Respondent for cause due to suspected fraud.

c. On January 13, 2023, Louisiana suspended Respondent’s insurance license.

d. Respondent did not report the Louisiana suspension to the Department.

e. The Department made several attempts to contact Respondent by email, regular mail, and telephone. He did not respond.

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 a final action taken against his insurance license in Louisiana within 30 days;

b. Respondent violated Utah Code § 31A-23a-111(5)(b)(xvii)(B) by having his insurance license suspended in Louisiana;

c. Respondent violated Utah Code § 31A-23a-111(7)(a) by failing to immediately report to the commissioner the suspension of his license in Louisiana;

d. Respondent violated Utah Code § 31A-2-202(4)(a) by failing to respond to a reasonable written inquiry from the commissioner; and

e. 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 738792 should be revoked.

Signed on this 5th day of April, 2023, at Salt Lake City, Utah.

/s/ William Stimpson
William Stimpson
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 emailed to:

Darnell Hayes

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

and

William Stimpson
Utah Insurance Department

[REDACTED]
4315 S. 2700 W., Suite 2300
Taylorsville, UT 84129

DATED this 6th day of April, 2023.

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

