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BEFORE THE UTAH INSURANCE COMMISSIONER

<p>UTAH INSURANCE DEPARTMENT, Complainant, vs. LEWIS W. MILLER, Respondent.</p>	<p>NOTICE OF AGENCY ACTION AND ORDER Docket No. 2023-4498 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 Respondent Lewis W. Miller (“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 Utah resident producer individual insurance license, number 566422 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.

4. The request for hearing shall be signed by the person making the request and 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 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 19th 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 THE ORDER

Failure to obey the 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 include license suspension, probation, refusal to renew, or revocation. Failure to obey this Order may also result in an action being taken against you in a court of competent where forfeitures of up \$10,000 for each day the failure to comply continues until judgement 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, Bill Stimpson, declare the following:

1. I am currently employed as an investigator in the Producer Licensing 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 Agency Action and Order against Lewis W. Miller (“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 was first licensed on March 23, 2016. His license lapsed on July 31, 2018, and became active again on October 2, 2018. Respondent held an active Utah resident producer individual insurance license, Utah license number 566422, until July 31, 2022, when it expired.

b. On July 25, 2022, prior to his license expiration date, Respondent applied electronically for renewal of his Utah resident producer individual insurance license.

c. In the renewal application, Respondent answered “no” to the question that asked whether he had “been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony, which has not been previously reported to this insurance department.”

d. On January 26, 2022, Respondent was charged with one (1) count of Forgery, a Third-Degree Felony. The criminal information alleged that on October 14, 2019, in Utah County, the Respondent filled out a Policy Change Request form with Farm Bureau Insurance and forged the signatures of [REDACTED], [REDACTED] and [REDACTED] without their knowledge or

permission. (See State of Utah v Lewis Miller, Case No. 221400140, Fourth District Court-Provo Department, Utah County State of Utah).

e. On June 22, 2022, Respondent pled no contest to the charge of Forgery, a 3rd Degree felony, and entered into a Plea in Abeyance agreement. The elements of the Forgery crime to which respondent pled no contest were that he “in Utah County, State of Utah, on or about October 14, 2019, did with purpose to defraud, or with knowledge that he was facilitating a fraud to be perpetrated by anyone, did alter the writing of another without his authority or, made, completed, executed, authenticated, issued, transferred, published, or uttered any writings so that the writing or the making, completion, execution, authentication, issuance, transference, publication or utterance, purported to be the act of another, whether the person was existent or nonexistent, purported to be an act on behalf of another party without the authority of that other party, or purported to have been executed at a time or place or in a numbered sequence other than was in fact the case, or to be a copy of an original when no such original existed.”

f. Respondent failed to report the criminal charges or his plea in abeyance agreement to the Department.

g. On August 12, 2022, in an informal administrative action, the Department denied Respondent’s application for renewal based on the above criminal action, failure to report the criminal prosecution to the Department within 30 days of the initial appearance, as well as multiple other violations of the Utah Insurance Code. (See Utah Insurance Department v. Lewis W. Miller, Docket No. 2022-4418).

h. The Department now seeks to revoke Respondent’s expired Utah license, Utah license number 566422.

4. The above declared facts demonstrate that the following Utah insurance laws were

not complied with:

a. Utah Code § 31A-23a-105(5)(a)(ii) by committing an act that is grounds for denial, suspension, or revocation as set forth in Section 31A-23a-111;

b. Utah Code § 31A-23a-107(2)(a)(ii) by failing to meet the trustworthy character requirement;

c. Utah Code § 31A-23a-111(5)(b)(i) by being unqualified for a license under Utah Code § 31A-23a-104, 105, or 107;

d. Utah Code § 31A-23a-111(5)(b)(ii) by having violated an insurance statute or rule; and

e. Utah Code § 31A-23a-111(5)(b) authorizes the Commissioner to act in compliance with the Violent Crime Control and Law Enforcement Act of 1994, 18 U.S.C. §1033. Having been convicted of a felony involving dishonesty or breach of trust and having failed to obtain from the Commissioner the required written consent to engage or participate in the business of insurance, Respondent is prohibited from engaging in the business of insurance pursuant to Utah Code § 31A-23a-111(5)(b)(xxv) and 18 U.S.C. § 1033(e)(2).

5. Based on the facts and law set forth above, Respondent's expired resident producer individual insurance license should be revoked.

Signed on this 18th day of April 2023, in Salt Lake City, Salt Lake County, State of Utah.

/s/ Bill Stimpson
Bill Stimpson, Investigator, Producer Licensing
Financial Regulation & Licensing 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, and Order was emailed to:

Lewis W. Miller

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██████████████████
██████████████████

and

Bill Stimpson
Utah Insurance Department

██████████████████

DATED this 19th day of April 2023.

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