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**BEFORE THE UTAH INSURANCE COMMISSIONER**

UTAH INSURANCE DEPARTMENT,  Complainant,  vs.  MARILYN EILEEN DARLING,  Respondent.	NOTICE OF AGENCY ACTION AND ORDER  Docket No. 2023-4555  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 Marilyn Eileen Darling (“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 389504 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 20<sup>th</sup> day of October 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, Karen Maybury, 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 Marilyn Eileen Darling (“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 389504 to Respondent on September 21, 2011.

b. On April 4, 2023, Respondent’s home state of Oregon entered an Order to Cease and Desist, Order Assessing Civil Penalty, and Consent to Entry of Order against her. *See In the Matter of Marilyn Darling, an Individual, Respondent*, State of Oregon Department of Consumer and Business Services, Division of Financial Regulation, Case No. INS-23-0009.

c. Oregon assessed a \$4,000 forfeiture against Respondent and found that Respondent demonstrated incompetence and untrustworthiness in the conduct of her business by failing to provide accurate and complete information to consumers in connection with the sale of insurance products, and by failing to accurately disclose waiting periods, deductibles, maximum benefits, and pre-existing condition clauses. *See id.*

d. Respondent did not report the administrative action taken against her in Oregon to the Department.

e. Respondent voluntarily surrendered her Oregon insurance license on July 25, 2023. Respondent no longer has a home state.

f. The Department attempted to contact Respondent by email and regular mail in June 2023. She 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-111(5)(b)(i), 31A-23a-105(1)(b)(viii) and 31A-23a-109 when she failed to maintain a license in her home state of Oregon;

b. Respondent violated Utah Code § 31A-23a-111(5)(b)(xvi) and demonstrated incompetence and untrustworthiness by failing to provide accurate and complete information to consumers in connection with the sale of insurance products.

c. Respondent violated Utah Code § 31A-23a-402(1)(a)(i) by failing to accurately disclose waiting periods, deductibles, maximum benefits, and pre-existing condition clauses;

d. Respondent violated Utah Code § 31A-23a-105(2)(b) and (c) by failing to report a final action taken against her Oregon insurance license within 30 days;

e. Respondent violated Utah Code 31A-23a-412(1)(a) when she failed to update her email address with the Department; and

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

5. Based on Utah Code §§ 31A-2-308, 31A-23a-111 and other similar enforcement cases, Respondent's nonresident producer individual insurance license number 389504 should be revoked.

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

/s/ Karen Maybury

Karen Maybury  
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:

Marilyn Eileen Darling  
[REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED]

and

Karen Maybury  
[REDACTED]

Utah Insurance Department  
4315 S. 2700 W., Suite 2300  
Taylorsville, UT 84129

DATED this 20<sup>th</sup> day of October 2023

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