

SHELLEY A. COUDREAUT (9663)
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: sacoudreaut@agutah.gov

BEFORE THE UTAH INSURANCE COMMISSIONER

UTAH INSURANCE DEPARTMENT, Complainant, vs. HEATH S. BOWEN, Respondent.	NOTICE OF AGENCY ACTION AND ORDER Docket No. 2023-4560 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 Heath S. Bowen (“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 221321 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 7th day of November 2023.

JONATHAN T. PIKE
Utah Insurance Commissioner

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 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 being 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, Kathleen Jaques, 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 Heath S. Bowen (“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 Respondent is a Utah non-resident producer individual insurance licensee, domiciled in Idaho. Respondent’s Utah license number is 221321.

b. The Department received notice that on May 15, 2023, an administrative action had been taken against the Respondent in Florida. In that action, Florida suspended the Respondent’s license based on administrative findings that the Respondent had failed to report a criminal proceeding to the Florida insurance department. During their review, Florida also found that the Respondent did not have a current active resident license in his home state of Idaho.

c. Respondent failed to report the Florida administrative action to the Department as required pursuant to Utah Code §§ 31A-23a-105(2)(b) and 31A-23a-111(7)(a).

d. The Department subsequently learned that other states had also taken administrative action against the Respondent, revoking Respondent’s licenses in North Carolina and Ohio.

e. Respondent failed to report the North Carolina and Ohio revocations to the Department as required pursuant to Utah Code §§ 31A-23a-105(2)(b) and 31A-23a-111(7)(a).

f. On June 14, 2023, Royalyn Andrus (Andrus), a licensing specialist with the Department's Financial Regulation and Licensing Division, sent to the Respondent's email address of record, [REDACTED], a notice advising Respondent that he must formally report the Florida administrative action to the Department, and provide a signed statement detailing the administrative action. Respondent failed to respond to the Department's request for information.

g. On June 27, 2023. Andrus attempted to contact Respondent at his phone number on record with the Department. Andrus was told the number no longer belonged to the Respondent. To date, Respondent has failed to update his contact information with the Department.

h. On September 11, 2023, and again on September 21, 2023, Kathleen Jaques, a Market Conduct Examiner with the Department's Health & Life Division, sent to the Respondent's email address of record, [REDACTED], a notice advising Respondent that he must formally report the Florida administrative action to the Department, and provide a signed statement detailing the administrative actions. Respondent failed to respond to the Department's request for information.

i. As part of its investigation, the Department conducted a review of Sircon and uncovered a FINRA suspension resulting from several customer complaints that asserted breach of contract, fraud, and deceit based on concealment. In one action, dated May 11, 2018, Respondent was found liable and ordered to pay damages in the amount of \$575,000. To date, Respondent has failed to comply with an arbitration award or settlement agreement.

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

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

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

d. Respondent violated Utah Code §§ 31A-23a-105(1)(b)(viii)(B) and 31A-23a-109(1), by failing to maintain in good standing a valid license in the Respondent's home state or designated home state;

e. Respondent violated Utah Code § 31A-23a-105(2)(b)(i), 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;

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

g. Respondent violated 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;

h. Respondent violated Utah Code § 31A-23a-111(5)(b)(iv), by failing to pay a final judgment rendered against Respondent within 60 days after the day on which the judgment became final;

i. Respondent violated Utah Code § 31A-23a-111(5)(b)(xvi), when in the conduct of business in this state or elsewhere uses fraudulent, coercive, or dishonest practices; or demonstrates incompetence, untrustworthiness, or financial irresponsibility;

j. Respondent violated 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;

k. Respondent violated Utah Code § 31A-2-202(4)(a), by failing to reply promptly in writing or in other designated form to a reasonable written inquiry from the commissioner;

l. Respondent violated Utah Code § 31A-23a-412(1)(a)(ii), by failing to register and maintain with the commissioner an email addresses at which the commissioner may contact the Respondent; and

m. Respondent violated Utah Admin. Code r.590-258-3, by failing to submit to, and maintain with, the commissioner a valid business email address where the person can receive communications from the Department.

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

DATED this 2nd day of November 2023, at Salt Lake City, Salt Lake County, Utah.

/s/ Kathleen Jaques

Kathleen Jaques, 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:

Heath S. Bowen
[REDACTED]
[REDACTED]
[REDACTED]

and

Kathleen Jaques
Utah Insurance Department
[REDACTED]

DATED this 7th day of November 2023.

Tatiana Karaivanova

Tatiana Karaivanova
Utah Insurance Department
4315 S. 2700 W., Suite 2300
Taylorsville, UT 84129
801-957-9321