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BEFORE THE UTAH INSURANCE COMMISSIONER

UTAH INSURANCE DEPARTMENT, Complainant, vs. AUSTIN HUBER, Respondent.	NOTICE OF AGENCY ACTION AND ORDER Docket No. 2023-4578 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 Austin Huber (“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 913726 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 27th day of December 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, 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 Austin Huber (“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 913726 to Respondent on July 28, 2022.

b. On April 14, 2023, Maryland revoked Respondent’s nonresident insurance license for misrepresentation of insurance product/policy after he sold a dental discount plan to a customer who was requesting dental insurance.

c. Respondent did not report the administrative action taken against him in Maryland to the Department.

d. The Department attempted to contact Respondent by email regarding his failure to report the Maryland administrative actions. 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-111(5)(b) by using dishonest practices and demonstrating untrustworthiness when he sold a dental discount plan to a consumer who was requesting dental insurance;

- b. Respondent violated Utah Code § 31A-23a-402(1)(a)(i) by making misleading statements to a consumer;
- c. Respondent violated Utah Code § 31A-23a-111(5)(b) by having his Maryland nonresident producer license revoked;
- d. Respondent violated Utah Code § 31A-23a-111(7) by failing to report the revocation of his Maryland nonresident producer license to the Department; and
- e. 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 913726 should be revoked.

Signed on this 22nd day of December 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:

Austin Huber
[REDACTED]
[REDACTED]
[REDACTED]

and

Karen Maybury
[REDACTED]

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

DATED this 27th day of December 2023.

/s/ Jeanine Couser

Jeanine Couser

Utah Insurance Department
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