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BEFORE THE UTAH INSURANCE COMMISSIONER

<p>UTAH INSURANCE DEPARTMENT, Complainant, vs. STEPHEN DARRINGTON JR., Respondent.</p>	<p style="text-align: center;">FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER</p> <p>Docket No. 2023-4584</p> <p>Donald H. Hansen Administrative Law Judge/Presiding Officer</p>
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HISTORY

On January 4, 2024, Complainant, the Utah Insurance Department ("Department") filed a Notice of Agency Action, Declaration and Order against the Respondent, Stephen Darrington Jr. ("Respondent"), which alleged multiple violations of Utah insurance law.

On January 13, 2024, Respondent requested a hearing in the matter pursuant to Utah Code § 63G-4-203(1)(i) and Utah Admin. Code R590-160-7(1).

On February 8, 2024, at 11:00 a.m. MST, pursuant to notice, a telephonic prehearing conference was conducted in the above-entitled matter. Appearing for the Department was Assistant Attorney General Shelley A. Coudreaut, Utah Attorney General's Office. Also

appearing for the Department was Connie Nowland, Market Conduct Examiner for the Department. Respondent appeared with counsel, Joshua Darrington, Esq. of Toledo, Ohio, an active attorney in good standing in the State Bar of Ohio. Each of the above appeared via telephonic conference.

Subsequent to the prehearing conference, Respondent, through his counsel of record, provided new information and supporting documentation regarding the allegations asserted in the Department's Notice of Agency Action and Declaration. As a result of the new information provided by the Respondent, the Department and the Respondent have stipulated to the entry of the following Findings of Fact, Conclusions of Law, and Order.

Based upon that stipulation, and good cause appearing, the Presiding Officer makes and enters the following:

FINDINGS OF FACT

1. Respondent is a non-resident producer individual licensee, domiciled in Ohio and authorized to do the business of insurance in Utah under license number 963314.
2. Respondent's mailing address is [REDACTED].
3. On November 9, 2022, Respondent was indicted for Grand Theft, a 4th degree felony, in the Lucas County Common Pleas Court, Lucas County, Ohio. The Indictment found that between May 31, 2019, through October 31, 2021, the Respondent, and [REDACTED], "with the purpose to deprive the owner of property or services, did knowingly obtain or exert control over either the property or services by deception, and the value of the property or services stolen was \$7,500.00 or more in violation of § 2913.02(A)(3) and (B)(2) of the Ohio Revised Code." (See State of Ohio vs. Stephen Darrington and [REDACTED], Case # CR22-2891, Lucas

County Common Pleas Court, Lucas County, Ohio).

4. Respondent failed to report his criminal prosecution to the Department within 30 days of his initial appearance as required by Utah Code § 31A-23a-105(2)(b)(ii).

5. On August 30, 2023, Respondent entered a guilty plea to Compounding a Crime, a 1st degree misdemeanor, in violation of R.C. 2921.21(A) and (D). Respondent was sentenced to probation for one year and ordered to pay criminal restitution in the amount of \$21,076.00. (See State of Ohio vs. Stephen Darrington, Case # G-4801-CR-0202202891-000, Court of Common Pleas, Lucas County, Ohio).

6. Respondent failed to report his criminal conviction and judgment to the Department as required by Utah Code § 31A-23a-111(7)(c).

7. In order to resolve the issues described above, the Department and Respondent have agreed to an administrative forfeiture of \$250.00.

CONCLUSIONS OF LAW

1. The Utah Insurance Commissioner (“Commissioner”) has jurisdiction over the parties and this adjudicative proceeding pursuant to Utah Code §§ 31A-1-105 and 31A-2-201.

2. The Commissioner has legal authority to impose penalties on the Department's licensees who violate the Utah Insurance Code under Utah Code § 31A-6a-109.

3. Respondent violated Utah Code § 31A-23a-105(2)(b)(ii) by failing to report to the Commissioner a criminal prosecution taken against the Respondent in any jurisdiction.

4. Respondent violated Utah Code § 31A-23a-111(7)(c) by failing to immediately report to the commissioner a judgment or injunction entered against the Respondent on the basis of conduct involving fraud, deceit, misrepresentation, or a violation of an insurance law or rule.

5. As a penalty for the violations in this case, the Respondent should be ordered to pay a forfeiture of \$250.00.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is hereby Ordered that:

1. Respondent shall pay a forfeiture of \$250.00 for the violations described in the Conclusions of Law. Payment in full is due within thirty days of this order.
2. Respondent is ordered not to commit the violations described in the Conclusions of Law in the future.
3. This formal adjudicative proceeding shall be deemed closed, and all dates outlined in the Scheduling Order and Notice of Evidentiary Hearing, dated February 8, 2024, and filed in this matter, as well as the date set for evidentiary hearing (trial) currently set for April 19, 2024, at 9:30 a.m. MDT are hereby stricken.

DATED this 20th day of March 2024.

JONATHAN T. PIKE
Utah Insurance Commissioner

/s/ Donald H. Hansen
Donald H. Hansen
Administrative Law Judge/Presiding Officer
Utah Insurance Department
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NOTICE TO RESPONDENT

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.

CERTIFICATE OF SERVICE

The undersigned certifies that on this date a true and correct copy of the foregoing Findings of Fact, Conclusions of Law and Order was emailed to:

Joshua E. Williams, Esq.
Attorney for Respondent
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and

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DATED this 20th day of March 2024.

/s/ Jeanine Couser
Jeanine Couser
Utah Insurance Department
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Taylorsville, UT 84129
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