

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

<p>UTAH INSURANCE DEPARTMENT, Complainant, vs. STEPHEN DARRINGTON JR., Respondent.</p>	<p>NOTICE OF AGENCY ACTION AND ORDER Docket No. 2023-4584 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 Stephen Darrington Jr. (“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 non-resident producer individual insurance license, number 963314, 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 4th day of January 2024.

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 to \$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, Connie Nowland, 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 Agency Action and Order against Stephen Darrington Jr. (“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 is a non-resident producer licensee, domiciled in Ohio and authorized to do the business of insurance in Utah under license number 963314.

b. 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 ██████████, “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 ██████████, Case # CR22-2891, Lucas County Common Pleas Court, Lucas County, Ohio).

c. 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).

d. 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).

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

f. On December 14, 2023, Connie Nowland, a Market Conduct Examiner with the Department, sent a request for information to the Respondent regarding his criminal conviction.

g. In his response to the Department, dated December 14, 2023, Respondent stated that “[redacted] was receiving assistance with food [redacted]. In 2023, they said we didn’t qualify in 2018 if we would have included my income”.

4. The above declared facts demonstrate that the following Utah insurance laws were not complied with:

a. 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;

b. 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;

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

d. 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;

e. Respondent violated Utah Code § 31A-23a-111(5)(b)(ii)(A) by violating an insurance statute as outlined herein;

f. Respondent violated Utah Code § 31A-23a-111(5)(b)(xiv)(B) by being convicted of a misdemeanor involving fraud, misrepresentation, theft, or dishonesty; and

g. 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. Based on the facts and law set forth above, Respondent's Utah non-resident producer individual insurance license, number 963314, should be revoked.

Signed on this 2nd day of January 2024, in Salt Lake City, Salt Lake County, State of Utah.

/s/ Connie Nowland
Connie Nowland, Market Conduct Examiner
Health & Life 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, was emailed to:

Stephen Darrington Jr.

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████████████████████
████████████████████

and

Connie Nowland
Utah Insurance Department
4315 South 2700 West, Suite 2300
Taylorsville UT 84129

████████████████████

DATED this 4th day of January 2024.

/s/ Jeanine Couser

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