

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO.: 18168-AG19-0423-066

IN THE MATTER OF:

Howard R. Utz
PO Box 480
Mars, PA 16046

Respondent.

Type of Agency Action: Enforcement

Producer's License #: 288700N

FILED

MAY 03 2019

STATE OF INDIANA
DEPT. OF INSURANCE

ADMINISTRATIVE ORDER
NOTICE OF NONRENEWAL OF LICENSE

The Indiana Department of Insurance ("Department"), pursuant to Indiana Code § 4-21.5-1 *et seq.*, and Indiana Code § 27-1-15.6-12, hereby gives notice to Howard R. Utz, ("Respondent") of the following Administrative Order:

1. Respondent is a licensed nonresident insurance producer holding license number 288700N since August 11, 1998 ("Respondent's license").
2. Respondent's license expired on March 31, 2019.
3. On or about April 9, 2019, Respondent submitted his renewal application, reporting to the Department for the first time that he was barred from the Financial Industry Regulatory Authority ("FINRA") on September 7, 2018.
4. According to the Letter of Acceptance, Waiver, and Consent ("AWC") Respondent entered with FINRA, Respondent was terminated from his employer for accepting checks from clients made personally payable to Respondent, with subsequent conversion for his personal use.

5. Indiana Code § 27-1-15.6-12(b)(2)(A) provides, in part, that the Commissioner may refuse to renew an Insurance producer's license for violating an insurance law.

6. Indiana Code § 27-1-15.6-17(a), is an insurance law which states that a producer shall report to the Commissioner any administrative action taken against the producer in another jurisdiction or by another governmental agency in Indiana not more than thirty (30) days after the final disposition of the matter.

7. Indiana Code § 27-1-15.6-12(b)(4) provides, in part, that the Commissioner may refuse to renew a producer's license for improperly withholding, misappropriating, or converting any monies or properties received in the course of doing insurance business.

8. Indiana Code § 27-1-15.6-12(b)(8) provides, in part, that the Commissioner may refuse to renew a producer's license for using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in Indiana or elsewhere.

9. Indiana Code § 27-1-15.6-12(d) requires the Commissioner to notify a licensee of the reason for the nonrenewal of his license. This Order serves as that notice.

10. The Commissioner further notifies Respondent that, pursuant to Indiana Code § 27-1-15.6-12(d), Respondent may, within sixty-three (63) days of the mailing of this Order, make a written demand upon the Commissioner for a hearing to determine the reasonableness of this action. Such a hearing shall be held within thirty (30) days from the date of receipt of Respondent's written demand.

WHEREFORE, based on the foregoing, the Commissioner of Insurance hereby notifies Respondent that **his license shall not be renewed** due to his actions which resulted in his permanent bar from FINRA, and his failure to timely report the same to the Department.

5-3-2019

Date Signed

A handwritten signature in black ink, appearing to read "Stephen W. Robertson", written over a horizontal line.

Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution:

Erica J. Dobbs, Attorney
ATTN: Calla Dain, Insurance Investigator
Indiana Department of Insurance
311 West Washington St., Suite 103
Indianapolis, Indiana 46204-2787

Howard R. Utz
PO Box 480
Mars, PA 16046