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BEFORE THE UTAH INSURANCE COMMISSIONER

<p>UTAH INSURANCE DEPARTMENT, Complainant, vs. WILLIAM JUSTIN FRY, Respondent.</p>	<p>NOTICE OF AGENCY ACTION AND ORDER</p> <p>Docket No. 2022-4438</p> <p>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 William Justin Fry (“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 -8.

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 resident producer individual insurance license number 604437 is revoked.
2. Pursuant to Utah Code § 63G-4-203(1)(i) and Utah Admin. Code R590-160-8(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. The request for hearing shall be signed by the person making the request and shall state the basis for the relief requested.
4. 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 25th day of October, 2022.

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 this Order may subject you to further penalties that include a forfeiture of up to \$5,000 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 in those jurisdictions.

DECLARATION

Under criminal penalty of Utah law, I, Adam Martin, 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 against William Justin Fry (“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 Utah resident producer individual insurance licensee holding Utah license number 604437.
 - b. On June 30, 2021, Respondent was charged by information with one count of Violation of a Protective Order, a Class A Misdemeanor. Respondent entered a guilty plea on August 3, 2022, which was held in abeyance. Respondent was placed on probation for a period of 24 months, ordered to complete a thinking errors class and serve 30 days in jail. (See *State v. Utah v. William Justin Fry*, Case no. 211500169, Wasatch County).
 - c. On July 15, 2021, Respondent was charged by information with two counts Aggravated Assault, both third degree felonies, one count Unlawful Detention, a Class B Misdemeanor and one count Damage/Interruption of a Communication Device, a Class B Misdemeanor. The charges stemmed from a May 8, 2021, incident involving domestic violence. (See *State of Utah v. William Justin Fry*, Case no. 211907501, Salt Lake County).

d. On March 2, 2022, Respondent was charged with one count Possession of a Dangerous Weapon by a Restricted Person, a third-degree felony related to a domestic violence incident on November 12, 2021. On August 25, 2022, Respondent entered a guilty plea to the third-degree felony. The plea was held in abeyance and Respondent was placed on a zero-tolerance supervised probation for a period of thirty-six months. Respondent was ordered to complete a substance abuse evaluation, a domestic violence evaluation, a mental health evaluation and successfully complete any recommended treatment. Respondent was also ordered to abide by the protective order prohibiting contact with the victim. Respondent was further ordered to forfeit any firearms in his possession. (See *State of Utah v. William Justin Fry*, case no. 221902029, Salt Lake County).

e. On June 20, 2022, Respondent was charged by information with one count Assault and one count Wrongful Appropriation, both Class B Misdemeanors related to a May 8, 2022, incident involving domestic violence. This case is still pending. (See *Draper City v. William Justin Fry*, case no. 221100166, Salt Lake County).

f. On August 25, 2022, Respondent entered his guilty plea to one count Aggravated Assault, a third-degree felony, in case no. 211907501. Respondent was sentenced to 90 days jail, ordered to pay \$8,430.00 in criminal restitution, and required to obtain a substance abuse evaluation, a mental health evaluation, and a domestic violence evaluation and complete any recommended treatment. Respondent was also ordered to abide by the continuous protective order prohibiting any contact with the victim in this case and forfeit any firearms he possesses. Respondent's probation was placed on zero tolerance for any further violations of law.

4. The above declared facts demonstrate that the following Utah insurance law(s) were not complied with:

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

b. Utah Code § 31A-23a-111(5)(b)(xiv), by having been convicted of a felony.

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

DATED this 19th day of October, 2022, at Salt Lake City, Salt Lake County, Utah.

/s/ Adam Martin

Adam Martin, 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:

William Justin Fry
jfriz86@gmail.com

and

Adam Martin
Utah Insurance Department
gmartin@utah.gov

DATED this _____ day of October, 2022.

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