

Utah Insurance Department  
State Office Building, Rm 3110  
Salt Lake City, UT 84114  
Randy Overstreet, Director  
Producer Licensing Division  
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**BEFORE THE INSURANCE COMMISSIONER  
OF THE STATE OF UTAH**

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**UTAH INSURANCE DEPARTMENT**

Complainant,

vs.

**SHAWN KYLE HENRY**  


Business Email: [skyleh.skh@gmail.com](mailto:skyleh.skh@gmail.com)

Respondent/Applicant.

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**NOTICE OF INFORMAL  
AGENCY ACTION  
AND ORDER**

2017-001 LC      E-Case 3855

Docket No.  
Administrative Law Judge  
Presiding Officer

The Utah Insurance Department (“Department”) has commenced this informal adjudicative proceeding pursuant to Utah Code Ann. § 31A-2-201, 31A-3-103 and 63G-4-201 and Utah Admin. Code, R590-160. Based upon information contained in the Department’s files or known to the Department, the Presiding Officer enters the following:

**FINDINGS OF FACT**

1. On December 23, 2016, Respondent, Shawn Kyle Henry, applied for a resident producer individual license.
2. Respondent’s application is denied based upon the following facts:

a. On June 21, 2002, Respondent was convicted of Larceny, a Third Degree Felony, Larceny, a Class A Misdemeanor, Property Crimes, a Class A Misdemeanor, and Burglary, a 3<sup>rd</sup> Degree Felony.

b. On or about January 30, 2003 or July 4, 2005, Respondent was convicted of Contributing to Delinquency of Minor, a Class B Misdemeanor.

c. On May 23, 2011, tax lien judgment in the amount of \$288.83 was entered in the 3<sup>rd</sup> District Court in Salt Lake City, Utah against Respondent, for which the court record shows as still outstanding.

d. On December 15, 2010, a Child Support Lien judgment in the amount of \$1,575.00 was entered in the 3<sup>rd</sup> District Court in Salt Lake City, Utah against Respondent, for which the court record shows a modified amount of \$3392.44 as of December 7, 2016 as still outstanding.

e. On the December 23, 2016 license application, Respondent answered "No" to the background questions as to whether Respondent had ever been convicted of a misdemeanor, ever been convicted of a felony, or whether Respondent has a child support obligation in arrearage.

Having entered the above Findings of Fact, the Presiding Officer now enters the following:

### **CONCLUSIONS OF LAW**

1. In being convicted of a felony, Respondent violated Utah Code Annotated (UCA) Subsection 31A-23a-111(5)(b)(xiv).

2. In being convicted of a felony involving dishonesty, under 18 U.S.C. Section 1033 Respondent is prohibited from engaging in the business of insurance pursuant to UCA Subsection 31A-23a-111(5)(b)(xxiii).

3. In failing to pay state income tax or comply with an administrative or court order directing payment of state income tax, Respondent violated UCA Subsection 31A-23a-111(5)(b)(xxii).

4. In failing to comply with an administrative or court order imposing a child support obligation, Respondent violated UCA Subsection 31A-23a-111(5)(b)(xxi).

5. In providing incorrect, misleading, incomplete, or materially untrue information in the license application, Respondent violated UCA Subsection 31A-23a-111(5)(b)(ix).

6. In being convicted of both felony and misdemeanor crimes involving dishonesty, and in providing incorrect, misleading, incomplete, or materially untrue information in the license application, Respondent failed to meet the required trustworthy requirement for licensing pursuant to UCA Section 31A-23a-107.

Based on the Findings of Fact and the Conclusions of Law, the Presiding Officer now enters the following Order:

### **ORDER**

#### **IT IS HEREBY ORDERED:**

1. Respondent's application for an insurance license is hereby denied.
2. This Order shall become final fifteen (15) days after the date of mailing or emailing, unless a written request for an administrative hearing is received prior to the fifteen (15) day deadline. A written request for a hearing shall be signed by the person making the request and shall state the basis for the relief requested. The written request can be mailed to the address listed above or emailed to the Department in .pdf format to [uidadmincases@utah.gov](mailto:uidadmincases@utah.gov).
3. Failure to request a hearing will be considered a failure to exhaust administrative remedies and will preclude any further administrative or judicial review or appeal of this matter.

DATED this 6<sup>th</sup> day of January, ~~2016~~ 2017

TODD E. KISER  
INSURANCE COMMISSIONER

A handwritten signature in black ink, appearing to read "Bret Randall", written over a horizontal line.

BRET RANDALL  
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