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**BEFORE THE UTAH INSURANCE COMMISSIONER**

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UTAH INSURANCE DEPARTMENT,

Complainant,

vs.

THOMAS TAYLOR CHERRY

3628 N 180 East

Provo, UT 84604

Email: ttcherry@comcast.net,

Respondent.

NOTICE OF AGENCY ACTION AND  
ORDER

Docket No. 2018-4004

Lisa Watts Baskin

Presiding Officer

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**NOTICE OF AGENCY ACTION**

The Utah Insurance Department (“the Department”) commences this agency action against Respondent Thomas Taylor Cherry (“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 application for an insurance license is denied.
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 electronically mailed 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 sent by email to [uidadmincases@utah.gov](mailto:uidadmincases@utah.gov) or by U.S. mail to Office of the Administrative Law Judge, Utah Insurance Department, 3110 State Office Building, Salt Lake City, UT 84114. 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 27<sup>th</sup> day of June, 2018.

TODD E. KISER  
Utah Insurance Commissioner

  
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LISA WATTS BASKIN  
Presiding Officer  
Utah Insurance Department  
3110 State Office Building  
Salt Lake City, UT 84114  
801-538-3800  
Email: [uidadmincases@utah.gov](mailto:uidadmincases@utah.gov)

**NOTICE REGARDING ENFORCEMENT OF THE ORDER**

Failure to obey the Order may subject you to further penalties that include forfeitures of up to \$2,500 per violation, license suspension or revocation, further enforcement action before the Utah District Court where forfeitures of up to \$10,000 may be imposed. 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, Randy Overstreet, declare the following:

1. I am currently employed as Director of the Producer Licensing Division with the Utah Insurance 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 Respondent Thomas Taylor Cherry (“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. On May 31, 2018, the Department electronically received from Respondent an online application for a resident producer individual insurance license.

b. On or about June 22, 1999, Respondent was found guilty of the Charge of Sale of Unregistered Security, a 3<sup>rd</sup> Degree Felony, and of the Charge of Unregistered Securities Agent, a 3<sup>rd</sup> Degree Felony.

c. In connection with the above named felonies, in April 2005, judgments in the amounts of \$4,791.30 and \$94,268.49 were entered against Respondent and turned over to the Utah State Office of Debt Collection.

d. In connection with the above named judgments, on June 7, 2007, the Department received documents from the Utah State Office of Debt Collection showing outstanding balances still owed by Respondent as of that date including principal, penalty, interest and fees in the amounts of \$1,139.91 and \$4,219,037.94.

e. On or about July 7, 2014, a tax lien judgment was entered against Respondent in the amount of \$3,250.27. A court record printout dated May 31, 201 shows this continues to be an outstanding judgment.

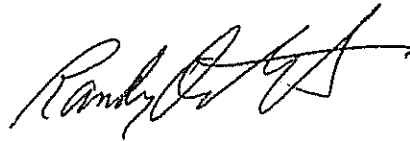
4. The above declared facts demonstrate that the following Utah insurance law(s) were not complied with:

a. Utah Code Ann. § 31A-23a-111(5)(b)(iv) - failing to pay a final judgment rendered against Respondent in this state; and

b. Utah Code Ann. § 31A-23a-111(5)(b)(xxii) - failing to pay a state income tax or to comply with an administrative or court order directing payment of state income tax.

5. Based on the facts and law set forth above Respondent's application for an insurance license should be denied.

DATED this 27<sup>th</sup> day of June, 2018.



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Randy Overstreet, Director  
Producer Licensing 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:

Thomas Taylor Cherry  
ttcherry@comcast.net

Randy Overstreet  
Utah Insurance Department

DATED this 27<sup>th</sup> day of June 2018.

  
\_\_\_\_\_  
Jeanine Couser  
Utah Insurance Department  
3110 State Office Building  
Salt Lake City, UT 84114  
801-538-3800