
BEFORE THE UTAH INSURANCE COMMISSIONER

UTAH INSURANCE DEPARTMENT,

Complainant,

vs.

THOMAS MARTIN BLACK
581 North Martin Rd
Helper, UT 84526
thomas@mellorfinancial.com,

Respondent.

AMENDED NOTICE OF AGENCY
ACTION AND ORDER

Docket No. 2018-4012

Lisa Watts Baskin
Presiding Officer

NOTICE OF AGENCY ACTION

The Utah Insurance Department (“the Department”) commences this agency action against Respondent Thomas Martin Black (“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 individual 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

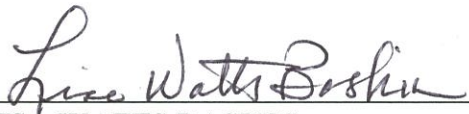
take full effect, 15 days after this Notice of Agency Action and Order is electronically mailed to Respondent unless a request for a hearing on this matter is received from Respondent prior to that date.

3. A request for a hearing shall be sent by email to uidadmincases@utah.gov 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 17th day of July, 2018.

TODD E. KISER
Utah Insurance Commissioner



LISA WATTS BASKIN
Presiding Officer
Utah Insurance Department
3110 State Office Building
Salt Lake City, UT 84114
801-538-3800
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 Amended Notice of Agency Action and Order against Respondent Thomas Martin Black (“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 or about December 14, 2004, Respondent was convicted of Theft, a Class B Misdemeanor;

b. On or about May 16, 2006, Respondent was convicted of Illegal Possession/Use of Controlled Substance, a Class B Misdemeanor;

c. On or about November 1, 2010, Respondent was convicted of Possession or Use of a Controlled Substance, a Class A Misdemeanor, amended to a Class B Misdemeanor;

d. On or about August 22, 2013, Respondent was convicted of Retail Theft, a Class B Misdemeanor;

e. On or about January 21, 2014, Respondent was convicted of Theft, a Third Degree Felony; and

f. On or about December 14, 2015, Respondent pled No Contest to one count of Burglary – Entering a Building Unlawfully, a 3rd Degree Felony, and to Theft, a 2nd Degree Felony. Respondent’s No Contest pleas were held in abeyance by the court until June 12, 2017, at which time it was determined the terms of the plea in abeyance were complied with and the matter was ordered dismissed.

g. On June 28, 2018, the Department electronically received from Respondent an online application for an individual insurance license.

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)(xiv)(B) – convicted of a misdemeanor involving misrepresentation or dishonesty;

b. Utah Code Ann. § 31A-23a-111(5)(b)(xiv)(A) – convicted of a felony;

c. Utah Code Ann. § 31A-23a-111(5)(b)(xxiii) – convicted of a felony involving dishonesty and therefore prohibited under 18 U.S.C. § 1033 from engaging in the business of insurance;

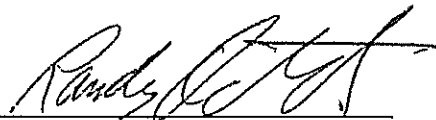
d. Utah Code Ann. § 31A-23a-107(2)(a)(ii) – failing to meet the trustworthy character requirement.

e. Utah Code Ann. § 31A-23a-111(5)(b)(ii)(a) – violated an insurance statute; and

f. Utah Code Ann. § 31A-23a-111(5)(b)(i) – is unqualified for a license under Utah Code Ann. § 31A-23a-104, 105 or 107.

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

DATED this 16th day of July, 2018.

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

Randy Overstfeet, 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 Amended Notice of Agency Action and Order, with the Declaration attached to it, was emailed to:

Thomas Martin Black
thomas@mellorfinancial.com

Randy Overstreet
Utah Insurance Department

DATED this 17th day of July 2018.



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