
BEFORE THE UTAH INSURANCE COMMISSIONER

UTAH INSURANCE DEPARTMENT,

Complainant,

vs.

ERICA JO SANDBERG,

Respondent.

NOTICE OF AGENCY ACTION AND
ORDER

Docket No. 2018-4037

Lisa Watts Baskin
Presiding Officer

NOTICE OF AGENCY ACTION

The Utah Insurance Department (“the Department”) commences this agency action against Respondent Erica Jo Sandberg (“Respondent”) pursuant to Utah Code §§ 31A-2-201 and 63G-4-201 through 63G-4-203 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 R590-160-7.

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 shall forfeit to the state the amount of \$3,150.00 no later than 30 days from the date of this Order. This requirement shall be vacated if Respondent pays \$3,150.00 to Tanya Gerace and provides proof of payment to the Department by the 30-day deadline.

2. Respondent's producer license is placed on probation effective immediately. The terms of probation are:

a. Respondent shall comply with paragraph 1 above.

b. Respondent shall have no other violations of the Utah Insurance Code, of the Utah Insurance Department's administrative rules, or of any order of the commissioner.


3. 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.

4. 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.

5. Unless a hearing is requested, Respondent 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 12th day of September, 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, Cathy Burton, 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 and Order against Erica Jo Sandberg to which this Declaration is attached.

3. Respondent Erica Jo Sandberg currently holds an individual limited line producer bail bond license issued by the Department.

4. 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 March 25, 2018, Tanya Gerace (“Consumer”) contacted Respondent to secure the release of Consumer’s son from jail with a bail bond.

b. Respondent agreed and immediately charged Consumer’s credit card \$3,150.00.

c. Respondent had no basis for charging this amount because the court had not set a bail bond amount and Consumer’s son was not eligible for release on bond.

d. Three days later, while Consumer’s son was still in jail, the Court issued a no bail arrest warrant for Consumer’s son.

e. Because the court never authorized Consumer’s son to be released on bond, and because the son was never actually released on bond, Consumer asked Respondent to reverse the credit card charge.

f. After delaying two months, Respondent told Consumer that she would not reverse the charge because she had spent the money.

g. Consumer's credit company has refused to reverse the charge.

h. After Consumer filed a complaint against Respondent with the Department, the Department contacted Respondent twice by email and asked for her response to the complaint.

i. The Department contacted Respondent at [REDACTED] the email address supplied by Respondent as her current, valid email address pursuant to Utah Admin Code R590-258-3.

j. Respondent did not respond to the Department's emails, which were not returned as undeliverable.

k. The Department unsuccessfully attempted to contact Respondent by telephone.

l. Based on her refusal to return Consumer's money, Respondent has been charged with felony theft in State of Utah v. Erica Jo Sandberg, Case No. 181100390 (First District Court, Cache County).

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

a. Respondent violated Utah Code § 31A-35-603(2)(b) by failing to keep the cash collateral separate from other funds.

b. Respondent violated Utah Code § 31A-35-603(3)(a) by failing to return the cash collateral within 10 days of the return requested by the person who deposited it.

c. Respondent violated Utah Code § 31A-35-608(1)(i) by collecting money that was not incurred in good faith.

d. Respondent violated Utah Code §31A-23a-402(1)(a)(i) by making a communication relating to an insurance contract that contained false and misleading information.

e. Respondent violated Utah Admin. Code R590-186(7) by failing to return collateral taken as security.

5. Based on the facts; and law set forth above, and based on enforcement cases with Docket Nos. 2012-160LF, 2015-014LF and 2015-033LF, Respondent should forfeit to the state the amount of \$3,150.00 or return \$3,150.00 to Consumer within 30 days. Additionally, the Respondent's producer license should be placed on probation for 24 months, during which time Respondent should have no other violations of the Utah Insurance Code or Rules or any order of the commissioner.

DATED this 7 day of September, 2018.



Cathy Burton, Market Conduct Examiner
Utah Insurance Department