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**BEFORE THE UTAH INSURANCE COMMISSIONER**

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UTAH INSURANCE DEPARTMENT,

Complainant,

vs.

CARISSA ZABANEH,

Respondent.

NOTICE OF AGENCY ACTION AND  
ORDER

Docket No. 2018-4050

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 Carissa Zabaneh (“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](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 17<sup>th</sup> day of October, 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  
[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 (“the 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 Carissa Zabaneh (“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 April 12, 2018, a charge was filed against Respondent for Retail Theft, a Class B Misdemeanor, in Lindon City Justice Court, Utah County, State of Utah.

b. On or about May 30, 2018, Respondent was initially arraigned in court on the above charge.

c. On or about August 13, 2018, the Department electronically received from Respondent an online application for a resident producer individual insurance license. Respondent answered “no” to the criminal background question that asked, “Have you ever been convicted of a misdemeanor, had a judgment withheld or deferred, or are you currently charged with committing a misdemeanor?”, and Respondent failed to report the above criminal prosecution taken against her at the time of filing the license application.

d. On or about August 29, 2018, Respondent entered a guilty plea to the above charge, with the plea held in abeyance for a period of 12 months until August 29, 2019.

e. On September 6, 2018, the Department's Presiding Officer signed a Notice of Agency Action and Order ("Notice and Order") under Docket No. 2018-4033 to commence an agency action against Respondent, ordering Respondent's August 13, 2018, license application to be denied unless a written request for a hearing on the matter were to be received from Respondent by email or by U.S. mail prior to 15 days after electronic mailing of the Notice and Order to Respondent. On that same date of September 6, 2018, a copy of the Notice and Order was electronically mailed to Respondent at the email address identified on Respondent's license application. No request for a hearing was received from Respondent, resulting in denial of the license application pursuant to the language of the signed Notice and Order.

f. On or about October 8, 2018, the Department electronically received from Respondent a new online application for a resident producer individual insurance license separate and distinct from the above previously submitted application. In this new application, Respondent answered "yes" to the criminal background question of having ever been convicted of a misdemeanor, having had a judgment withheld or deferred, or being currently charged with committing a misdemeanor. However, Respondent answered "no" to the administrative proceeding background question of having ever been named or involved as a party in an administrative proceeding regarding any professional or occupational license or registration. Instructions to the administrative proceeding background question emphasized that "Involved" also means having a

license or registration application denied. Nevertheless, Respondent answered “no” to that question and did not in any way identify or reference the denial of Respondent’s previously submitted license application.

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)(xvii) – has had an insurance license or other professional or occupational license or its equivalent denied, suspended, revoked, or surrendered to resolve an administrative action.

b. Utah Code Ann. § 31A-23a-111(5)(b)(ix) – providing incorrect, misleading, incomplete, or materially untrue information in the license application;

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

d. Utah Code Ann. § 31A-23a-111(5)(b)(i) – 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 16<sup>th</sup> day of October, 2018.



Randy Overstreet, Director  
Producer Licensing Division  
Utah Insurance Department