
**BEFORE THE INSURANCE COMMISSIONER
OF THE STATE OF UTAH**

UTAH INSURANCE DEPARTMENT,

Complainant,

v.

KADEN SMITH

Respondent.

**NOTICE OF AGENCY ACTION AND
ORDER**

Docket No. 2018-4058

Lisa Watts Baskin, JD
Presiding Officer

NOTICE OF AGENCY ACTION

The Utah Insurance Department ("the Department") has commenced this informal adjudicative proceeding pursuant to Utah Code Annotated §§ 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 law set forth in the attached Declaration, and for 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 emailed to Respondent unless a request for a hearing on this matter is received from Respondent prior to that date.

3. A written request for a hearing shall be sent by email to uidadmincases@utah.gov or by U.S. mail to the 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 8th day of November, 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, or 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 Kaden Smith to which this Declaration is attached.

3. Respondent's mailing address is [REDACTED]
[REDACTED]

4. Based on my personal knowledge and based on the facts appearing in the Department's records and files, the following facts are true:

a. On or about March 20, 2018, Respondent entered a guilty plea to the charge of Possession of Controlled Substance Marijuana/Spice, a Class B Misdemeanor, with the plea held in abeyance for a period of 12 months.

b. On or about August 13, 2018, Respondent was convicted of Purchase or Possession of Tobacco by a Minor, a Class C Misdemeanor, and of Purchase, Possess, Consume by Minor – Measurable Amounts, a Class B Misdemeanor.

c. On or about August 20, 2018, Respondent was convicted of Theft by Receiving Stolen Property, a Class A Misdemeanor.

d. On or about September 5, 2018, Respondent was convicted of Retail Theft, a Class B Misdemeanor.

e. On October 24, 2018, the Department received an online license application from Respondent for a resident producer individual insurance license.

5. The above declared facts demonstrate that the following Utah insurance laws were not complied with:

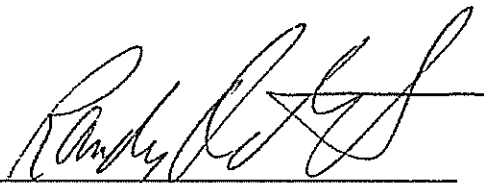
a. Respondent violated Utah Code § 31A-23a-111(5)(b)(xiv)(2) – convicted of a misdemeanor involving fraud, misrepresentation, theft, or dishonesty;

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

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

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

DATED this 6th day of November, 2018.



Randy Overstreet, Director
Producer Licensing Division
Utah Insurance Department