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BEFORE THE UTAH INSURANCE COMMISSIONER

UTAH INSURANCE DEPARTMENT, Complainant, vs. PHOUSOTH XAYADETH, Respondent.	NOTICE OF AGENCY ACTION AND ORDER Docket No. 2019-4122 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 Phousoth Xayadeth (“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 a resident producer 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 emailed 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 12th day of June, 2019.

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
Email: 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 Phousoth Xayadeth (“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 October 15, 2018, the Department received an online license application from Respondent for a resident producer individual insurance license.

b. Respondent answered “yes” to the question that asked whether he had ever been convicted of a felony.

c. On August 3, 1993, Respondent was convicted of theft, a second degree felony.

d. Respondent filed a Request for Agency Action re: 18 U.S.C. §1033(e)(2) and a hearing was scheduled for December 10, 2018.

e. Respondent withdrew his hearing request on December 7, 2018.

f. Respondent has not obtained written consent as required by 18 U.S.C. §1033(e)(2).

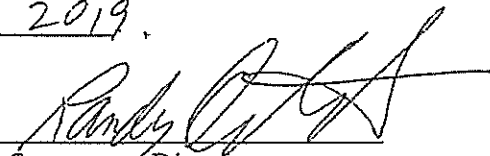
4. The above declared facts demonstrate that the following Utah insurance laws were not complied with:

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

b. Having been convicted of a felony involving dishonesty or breach of trust and having failed to obtain from the Commissioner the required written consent to engage or participate in the business of insurance, Respondent is prohibited from engaging in the business of insurance pursuant to Utah Code § 31A-2-111(5)(b) and 18 U.S.C. § 1033(e)(2).

5. Based on the facts and law set forth above, Respondent's application for a resident producer individual license should be denied.

DATED this 12th day of June, 2019.



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:

Phousoth Xayadeth
scott.xayadeth@gmail.com

and

Randy Overstreet
Utah Insurance Department
roverstreet@utah.gov

DATED this 13th day of June, 2019.



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