

1. Respondent's application for a resident independent adjuster 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 1st day of October, 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 Marvin DeWayne Coleman (“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 July 26, 2019, the Department received an online license application from Respondent for a resident independent adjuster insurance license. Respondent answered “yes” to the question that asked whether he had ever been convicted of a misdemeanor.

b. On September 11, 2017, Respondent was convicted of retail theft, a class B misdemeanor. He was placed on probation for six months and ordered to pay a fine. The case was closed on September 18, 2018 upon the Court’s receipt of the final fine payment.

c. On November 7, 2018, a monetary judgment was entered against Respondent in the amount of \$4,266.98. This continues to be an outstanding judgment.

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

a. Utah Code § 31A-26-213(5)(b)(xiv)(B); convicted of a misdemeanor involving fraud, misrepresentation, theft, or dishonesty;

b. Utah Code Ann. § 31A-26-205(2)(a)(ii), failing to meet the trustworthy character requirement;

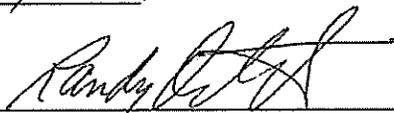
c. Utah Code Ann. § 31A-26-213(5)(b)(iv), failing to pay a final judgment rendered against Respondent in this state within 60 days after the day on which the judgment became final;

d. Utah Code Ann. § 31A-26-213(5)(b)(i), unqualified for a license under Utah Code Ann § 31A-26-202, 203, 204 or 205; and

e. Utah Admin Code R590-281-4(1)(c) by applying for a license prior to the end of the required time period from the date Respondent was released from court ordered probation from a misdemeanor conviction involving fraud, misrepresentation, theft, or dishonesty.

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

DATED this 1ST day of October, 2019.



Randy Overstreet, Director
Producer Licensing Division
Utah Insurance Department