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BEFORE THE UTAH INSURANCE COMMISSIONER

UTAH INSURANCE DEPARTMENT, Complainant, vs.	NOTICE OF INFORMAL AGENCY ACTION AND ORDER
LISA MARIE VILLASENOR, Respondent.	Docket No. 2019-4180 Lisa Watts Baskin Presiding Officer

NOTICE OF AGENCY ACTION

The Utah Insurance Department (“the Department”) commences this agency action against Respondent Lisa Marie Villasenor (“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 -8.

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 Utah resident producer individual insurance license is denied.

2. Pursuant to Utah Code § 63G-4-203(1)(i) and Utah Admin. Code R590-160-8(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 Informal 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 8th day of November, 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 Informal Agency Action and Order against Lisa Marie Villasenor (“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 September 19, 2019, the Department received an online license application from Respondent for a resident producer individual insurance license. Respondent answered “No” to the criminal background question that asked, “Have you ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony?” 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?”

b. During my investigation, I conducted searches on Utah State Courts Xchange, a repository of Utah district court and justice court case information, using Respondent’s name listed on her license application, Lisa Marie Villasenor. My Xchange search revealed that Respondent was also known as Lisa Marie Willard, Lisa M. Willard, Lisa Marie Sabey, Lisa M. Sabey, and Lisa Sabey in a number of legal proceedings. I was

able to confirm that these were Respondent's aliases from the information contained in Respondent's license application and from the information on Xchange.

- c. On September 18, 1998, Respondent was convicted of retail theft, a Class B Misdemeanor, in the Fourth District Court, Spanish Fork, Utah County, State of Utah.
- d. On October 16, 2008, Respondent was convicted of attempted forgery, a 3rd Degree Felony, amended to a Class A Misdemeanor, in the Fourth District Court, Provo, Utah County, State of Utah.
- e. On January 4, 2010, Respondent was convicted of public assistance fraud, a 2nd Degree Felony, amended to a 3rd Degree Felony, in the Fourth District Court, Provo, Utah County, State of Utah. Respondent was ordered to be placed on supervised probation for thirty-six months and to pay restitution in the amount of \$23,964.64. Respondent's probation terminated on August 31, 2016.
- f. On August 9, 2011, a monetary judgment was entered against Respondent in the Fourth District Court, American Fork, Utah County, State of Utah, in the amount of \$866.29. This judgment continues to be outstanding.
- g. On April 27, 2016, a monetary judgment was entered against Respondent in the Fourth District Court, Provo, Utah County, State of Utah, in the amount of \$3,000.00. This judgment continues to be outstanding.
- h. On September 1, 2016, a monetary judgment was entered against Respondent in the Fourth District Court, American Fork, Utah County, State of Utah, in the amount of \$1,154.63. This judgment continues to be outstanding.

i. On March 29, 2017, Respondent was convicted of maintaining/committing a public nuisance, a Class B Misdemeanor, in the Fourth District Court, American Fork, Utah County, State of Utah.

j. On June 9, 2017, a monetary judgment was entered against Respondent in the Murray Justice Court, Salt Lake County, State of Utah, in the amount of \$4,215.00. This judgment continues to be outstanding.

k. On October 23, 2017, a monetary judgment was entered against Respondent in the Provo City Justice Court, Utah County, State of Utah, in the amount of \$1,100.00. This judgment continues to be outstanding.

l. On September 5, 2018, a monetary judgment was entered against Respondent in the Fourth District Court, American Fork, Utah County, State of Utah, in the amount of \$1,562.83. This judgment continues to be outstanding.

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

a. Utah Code § 31A-23A-111(5)(b) authorizes the Commissioner to act in compliance with the Violent Crime Control and Law Enforcement Act of 1994, 18 U.S.C. § 1033. 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-23a-111(5)(b) and 18 U.S.C. § 1033(e)(2);

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

- c. Utah Code § 31A-23a-111(5)(b)(xiv)(B), convicted of a misdemeanor involving fraud, misrepresentation, theft, or dishonesty;
- d. Utah Code § 31A-23a-111(5)(b)(ix), providing incorrect, misleading, or materially untrue information in the license application by answering “no” to the question regarding ever having been convicted of a felony or having had a judgment withheld or deferred;
- e. Utah Code § 31A-23a-111(5)(b)(ix), providing incorrect, misleading, or materially untrue information in the license application by answering “no” to the question regarding ever having been convicted of a misdemeanor, had a judgment withheld or deferred;
- f. Utah Code § 31A-23a-111(5)(b)(ix), providing incorrect, misleading, incomplete, or materially untrue information in the license application by failing to provide a list of individual aliases as requested in the license application.
- g. Utah Code § 31A-23a-105(2)(b)(ii), failing to report at the time of filing the license application a criminal prosecution taken against Respondent;
- h. Utah Code § 31A-23a-107(2)(a)(ii), failing to meet the trustworthy character requirement;
- i. Utah Code § 31A-23a-111(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;
- j. Utah Code § 31A-23a-111(5)(b)(i), unqualified for a license under Utah Code § 31A-23a-104, -105, or -107;
- k. Utah Admin. Code R590-281-4(1)(c), applying for a license prior to the end of the required time period from the date Respondent was released from court ordered probation

resulting from a felony conviction involving fraud, misrepresentation, theft, or dishonesty; and

1. Utah Admin. Code R590-281-4(3)(a), applying for a license without first obtaining written consent from the Commissioner to engage or participate in the business of insurance.

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

6. On September 30, 2019, via letter, I notified Respondent that due to her felony conviction, which involved dishonesty and/or breach of trust, federal law prohibited her from engaging in the business of insurance without the Utah Insurance Commissioner's written consent, and that failure to obtain the Commissioner's written consent was grounds for denying Respondent's license application. I identified the form Respondent needed to fill out and file with the Department to obtain the Commissioner's written consent and provided her with a link to the form on the Department's website.

Signed on this 4th day of November, 2019, at Salt Lake City, Utah.



Randy Overstreet
Director, Producer Licensing Division
Utah Insurance Department