

HELEN A. FROHLICH #8814
Assistant Attorney General
SEAN D. REYES #7969
Attorney General
Attorneys for Utah Insurance Department
160 East 300 South, 5th Floor
P.O. Box 140874
Salt Lake City, Utah 84114-0874
Telephone: (801)366-0375
Email: hfrohlich@agutah.gov

BEFORE THE UTAH INSURANCE COMMISSIONER

UTAH INSURANCE DEPARTMENT, Complainant, vs. JENNIFER HOLCOMB, Respondent.	NOTICE OF AGENCY ACTION AND ORDER Docket No. 2019-4182 Lisa Watts Baskin Presiding Officer
---	--

NOTICE OF AGENCY ACTION

The Utah Insurance Department (“the Department”) commences this agency action against Respondent Jennifer Holcomb (“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.

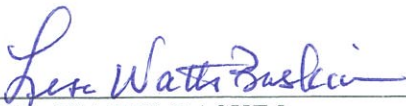
2. Pursuant to Utah Code § 63G-4-203(1)(i) and Utah Admin. Code R590-160-8(1), this informal adjudicative proceeding shall be deemed closed, and this Order shall become final and take full effect, 15 days after this Notice of Agency Action and Order is emailed to Respondent unless a request for a hearing 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 13th 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 Agency Action and Order against Jennifer Holcomb (“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.

b. Respondent answered “no” to the background question that asked whether he had ever been convicted of a misdemeanor, “yes” to the question that asked whether she had ever been convicted of a felony, “yes” to the question that asked whether she had a child support obligation in arrearage, and “yes” to the question that asked whether she was subject to and in compliance with any repayment agreement.

c. On January 29, 2010, Respondent was convicted of attempted public assistance fraud, a third degree felony. Responded was placed on probation for 36 months and on July 15, 2011, her probation was extended for an additional 36 months. The case was closed on March 31, 2016.

d. On December 12, 2011, a monetary judgment was entered against Respondent in the amount of \$1,144.06. This continues to be an outstanding judgment.

e. On or about September 20, 2016, Respondent was convicted of giving false personal identity to peace officer, a class C misdemeanor, for which she was ordered to pay a fine. This continues to be an outstanding case.

f. On June 17, 2019, a monetary judgment was entered against Respondent in the amount of \$502.72. This continues to be an outstanding judgment.

g. On April 21, 2010, a paperless child support lien was filed and a monetary judgment entered against Respondent in the amount of \$2,054.00. As of October 16, 2019, this continues to be an outstanding child support obligation with a remaining judgment amount of \$14,707.80.

h. 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 § 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 Ann. § 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 misdemeanor;

e. 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;

f. Utah Code § 31A-23a-107(2)(a)(ii), failing to meet the trustworthy character requirement;

g. 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;

h. Utah Code § 31A-23a-111(5)(b)(xxi), failing to comply with an administrative or court order imposing a child support obligation;

i. Utah Code § 31A-23a-111(5)(b)(i), being unqualified for a license under Utah Code § 31A-23a-104, 105 or 107;

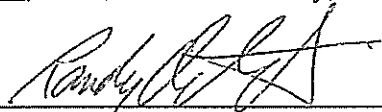
j. Utah Admin. Code R590-281-4(1)(c), by applying for a license prior to the end of the required time period from the date Respondent was convicted or released from incarceration, parole, or probation, whichever occurred last, resulting from a felony or misdemeanor conviction involving fraud, misrepresentation, theft, or dishonesty; and

k. Utah Admin. Code R590-281-4(3)(a), by 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 resident producer individual 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 12TH day of November, 2019, at Salt Lake City, Utah.



Randy Overstreet, Director
Producer Licensing Division
Utah Insurance Department