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**BEFORE THE UTAH INSURANCE COMMISSIONER**

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UTAH INSURANCE DEPARTMENT,	<b>NOTICE OF INFORMAL ADJUDICATIVE PROCEEDING AND ORDER</b>
Complainant,	
vs.	
SIONE LIU ELI FONUA, JR.,	Docket No. 2019-4185
Respondent.	Lisa Watts Baskin Presiding Officer

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**NOTICE OF INFORMAL ADJUDICATIVE PROCEEDING**

The Utah Insurance Department (“the Department”) commences this informal adjudicative proceeding against Respondent Sione Liu Eli Fonua, Jr. (“Respondent”) pursuant to Utah Code §§ 31A-2-201 and 63G-4-201 through -203 and to Utah Admin. Code R590-160.

This informal adjudicative proceeding 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 Adjudicative Proceeding 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](mailto: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 3<sup>rd</sup> day of January, 201~~8~~<sup>20</sup>.

TODD E. KISER  
Utah Insurance Commissioner

  
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LISA WATTS BASKIN  
Presiding Officer  
Utah Insurance Department  
3110 State Office Building  
Salt Lake City, UT 84114  
801-538-3860  
Email: [uidadmincases@utah.gov](mailto: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, and/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 Informal Adjudicative Proceeding and Order against Sione Liu Eli Fonua, Jr. ("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 November 12, 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 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 first and last name listed on his license application, Sione Fonua. My Xchange search revealed that Respondent was also known as Sione Tukuafu. In searching Sione Tukuafu in Xchange, I discovered that Respondent is also known as Sione Eli Tukuafu. 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 May 7, 2013, Respondent was convicted of Purchase, Possess, Consume by Minor-Measurable Amounts of Alcohol, a Class B Misdemeanor, in the West Valley Justice Court, Salt Lake County, State of Utah.

d. On May 7, 2013, Respondent was convicted of Purchase or Possession of Tobacco by a Minor, a Class B Misdemeanor, in the West Valley City Justice Court, Salt Lake County, State of Utah.

e. On March 1, 2013, Respondent entered not guilty pleas to various traffic citations and to a related criminal charge of False/Inconsistent Statement, Utah Code § 76-8-503, a Class B Misdemeanor, in the Holladay Justice Court, Salt County, State of Utah. Since that time, my review of the docket on Xchange shows the Court issuing multiple bench warrants for Respondent due to his failure to appear. On November 5, 2019, the Court issued its most recent bench warrant for Respondent's failure to appear.

f. On March 1, 2013, Respondent entered a not guilty plea to Retail Theft (Shoplifting), a Class B Misdemeanor, in the Salt Lake City Justice Court, Salt Lake County, State of Utah. Since that time, my review of the docket on Xchange shows the Court issuing multiple arrest and bench warrants for Respondent due to his failure to appear. On November 8, 2019, the Court issued a bench warrant for Respondent for failure to appear. On December 3, 2019, the Court scheduled a bench warrant hearing and pretrial conference in the matter for January 24, 2020.

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

a. 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;

b. 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;

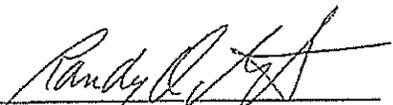
c. Utah Code § 31A-23a-107(2)(a)(ii), failing to meet the trustworthy character requirement;

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

e. Utah Admin. Code R590-281-4(2), applying for a license while a matter is still pending against him.

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

Signed on this 10<sup>th</sup> day of December, 2019, at Salt Lake City, Utah.

  
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Randy Overstreet  
Director, Producer Licensing Division  
Utah Insurance Department