

EDWARD VASQUEZ #8640
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)366-0367
Email: evasquez@agutah.gov

BEFORE THE UTAH INSURANCE COMMISSIONER

UTAH INSURANCE DEPARTMENT, Complainant, vs. COLSTON ROBINSON, Respondent.	NOTICE OF INFORMAL ADJUDICATIVE PROCEEDING AND ORDER Docket No. 2019-4188 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 Colston Robinson (“Respondent”) pursuant to Utah Code §§ 31A-2-201 and 63G-4-201 through -203 and 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 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 6th day of February, 2020.

TODD E. KISER
Utah Insurance Commissioner



LISA WATTS BASKIN
Presiding Officer
Utah Insurance Department
3110 State Office Building
Salt Lake City, UT 84114
801-538-3860
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, 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 the manager of Producer Licensing in the Financial Regulation & Licensing Division of 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 Colston Robinson (“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 December 19, 2019, the Department received an online license application from Respondent for a resident producer individual insurance license.

i. Respondent answered “Yes” 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?”

ii. Respondent answered “Yes” to the question “Has any demand been made or judgment rendered against you or any business in which you are or were an owner, partner, officer or director, or member or manager of a limited liability company, for overdue monies by an insurer, insured or producer, or have you ever been subject to a bankruptcy proceeding?”

b. On December 24, 2019, Respondent provided the Department with a written response addressing those questions to which he responded “Yes” in the license application.

c. On September 8, 2018, a monetary judgment in the amount of \$76,583.77 was entered against Respondent in the Third District Court, Salt Lake, Salt Lake County, State of Utah. This judgment remains outstanding.

d. On January 10, 2019, Respondent was convicted of violating Utah Code § 41-3-210(6), Assisting an Unlicensed Dealer, a Class B Misdemeanor, in the Davis County Justice Court, Davis County, State of Utah. The disposition of this matter was a bail forfeiture.

e. On June 17, 2019, a monetary judgment in the amount of \$45,254.43 in favor of the Utah State Tax Commission was entered against Respondent in the Second District Court, Farmington, Davis County, State of Utah. This judgment/tax lien remains outstanding.

f. On July 22, 2019, a monetary judgment in the amount of \$18,923.55 in favor of the Utah State Tax Commission was entered against Respondent in the Second District Court, Farmington, Davis County, State of Utah. This judgment/tax lien remains outstanding.

g. On November 12, 2019, Respondent was convicted on six counts of violating Utah Code § 41-3-301, Fail to Deliver Title, a Class A Misdemeanor, in the Second District Court, Farmington, Davis County, State of Utah. On January 7, 2020, Respondent was placed on probation for 24 months.

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

- a. Utah Code § 31A-23a-111(5)(b)(xiv)(B), being convicted of a misdemeanor involving fraud, misrepresentation, theft, or dishonesty;
- b. Utah Code § 31A-23a-107(2)(a)(ii), failing to meet the trustworthy character requirement;
- c. Utah Code § 31A-23a-111(5)(b)(xxii), failing to pay state income tax, or to comply with an administrative or court order directing payment of state income tax;
- 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(1)(c), applying for a license prior to the end of the required time period (5 years) from the date Respondent was convicted or released from court ordered probation resulting 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 Utah resident producer individual insurance license should be denied.

Signed on this 24th day of January, 2020, at Salt Lake City, Utah.



Randy Overstreet
Manager, Producer Licensing
Financial Regulation & Licensing Division
Utah Insurance Department