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**BEFORE THE UTAH INSURANCE COMMISSIONER**

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<p>UTAH INSURANCE DEPARTMENT,  Complainant,  vs.  ALEXIS SOTO CASTRO,  Respondent.</p>	<p><b>NOTICE OF INFORMAL ADJUDICATIVE PROCEEDING AND ORDER</b></p> <p>Docket No. 2020-4193</p> <p>Lisa Watts Baskin Presiding Officer</p>
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**NOTICE OF INFORMAL ADJUDICATIVE PROCEEDING**

The Utah Insurance Department (“the Department”) commences this informal adjudicative proceeding against Respondent Alexis Soto Castro (“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](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 12<sup>th</sup> day of February, 2020.

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 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 Alexis Soto Castro (“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 30, 2019, the Department received an online license application from Respondent for a resident producer individual insurance license.

i. 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?”

ii. Respondent answered “No” to the question “Have you ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony?”

b. On January 14, 2020, Respondent provided the Department with a written statement indicating that he had not disclosed criminal offenses and charges on the license application.

c. On June 26, 2018, Respondent was convicted of violating Utah Code § 58-37-8(2)(D), Possession of Controlled Substance Marijuana/Spice, a Class B Misdemeanor, in the West Valley Justice Court, Salt Lake County, State of Utah. Respondent was placed on probation for 12 months. On February 14, 2019, Respondent admitted to the court that he violated the terms of his probation.

d. On February 14, 2019, Respondent was convicted of violating Utah Code § 58-37-8(2)(D), Possession of Controlled Substance Marijuana/Spice, a Class B Misdemeanor, in the West Valley Justice Court, Salt Lake County, State of Utah. On February 14, 2019, Respondent was placed on probation for 12 months.

e. On January 13, 2020, Respondent pleaded not guilty to the following charges: (1) Utah Code § 76-6-202, Burglary, a 2nd Degree Felony; and (2) Utah Code § 76-6-404, Theft, a 2nd Degree Felony, in the Third District Court, Salt Lake County, State of Utah. On January 13, 2020, Respondent was arraigned on those charges. On February 10, 2020, the court held a disposition hearing and set a two-day jury trial for May 5-6, 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 by answering “No” to the questions regarding being charged with or convicted of a misdemeanor or a felony.

b. Utah Code § 31A-23a-105(2)(b)(ii), failing to report at the time of filing a 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 an insurance license while a criminal proceeding is still pending against Respondent.

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 February, 2020, at Salt Lake City, Utah.

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