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BEFORE THE UTAH INSURANCE COMMISSIONER

UTAH INSURANCE DEPARTMENT, Complainant, vs. JOSH WHITE, Respondent.	NOTICE OF INFORMAL ADJUDICATIVE PROCEEDING AND ORDER Docket No. 2020-4196 Lisa Watts Baskin Presiding Officer
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NOTICE OF AGENCY ACTION

The Utah Insurance Department (“the Department”) commences this informal adjudicative proceeding against Respondent Josh White (“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.

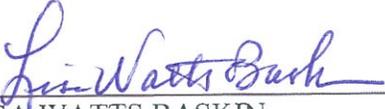
2. Pursuant to Utah Code § 63G-4-203(1)(i) and Utah Admin. Code R590-160-8(1), this informal adjudicative proceeding shall be deemed closed, and this Order shall become final and take full effect, 15 days after this Notice of Agency Action and Order is emailed to Respondent unless a request for a hearing 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 12th 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, 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 Manager of Producer Licensing in the Financial Regulation & 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 Josh White (“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 25, 2019, Respondent applied for a Utah resident producer individual insurance license.

b. Respondent answered “yes” to the question that asked whether he had ever been convicted of a felony.

c. On September 14, 2017, Respondent was convicted of grand theft, a felony, in violation of Idaho Code 18-2403(1); 18-2407(1)(b)(6), in the Sixth Judicial District Court in Franklin County, Idaho. State of Idaho vs. Joshua S. White. Case No. CR-2017-398.

d. Respondent was placed on supervised probation for a period of five years at his sentencing on November 30, 2017.

f. 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 Ann. § 31A-23a-111(5)(b)(xiv)(A), convicted of a felony;
- b. 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)(xxv) and 18 U.S.C. § 1033(e)(2);
- 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;
- e. Utah Admin Code R590-281-4(1)(c), applying for a license prior to the end of the required time period from the date of Respondent's release from court ordered probation resulting from a felony conviction involving fraud, misrepresentation, theft, or dishonesty; and
- f. 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 license should be denied.

6. On December 6, 2019, via letter, I notified Respondent that due to his felony conviction, which involved dishonesty and/or breach of trust, federal law prohibited him 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 him with a link to the form on the Department's website.

Signed on this 10TH day of February, 2020, in Salt Lake City, Salt Lake County, State of Utah.



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