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**BEFORE THE UTAH INSURANCE COMMISSIONER**

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<p>UTAH INSURANCE DEPARTMENT,  Complainant,  vs.  BRETT R. JOHNSON,  Respondent.</p>	<p><b>NOTICE OF INFORMAL ADJUDICATIVE PROCEEDING AND ORDER</b></p> <p>Docket No. 2020-4202</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 Brett R. Johnson (“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 renewal of his Utah Resident Producer Individual Insurance License No. 79123, 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 11<sup>th</sup> day of March, 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 Brett R. Johnson (“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. In January 2020, Respondent held an active Utah resident producer individual insurance license due for renewal on or before January 31, 2020.

b. On January 31, 2020, Respondent electronically filed an application to renew his license.

c. Respondent presently has ten outstanding tax liens entered against him by the Utah State Tax Commission. Of those ten outstanding tax liens, three of the liens were the subject of a 2018 administrative action by the Department against Respondent resulting in an administrative penalty of 12 months’ probation.

d. On February 15, 2018, the Department and Respondent entered into a Stipulation and Order (“Stipulation”) approved by the Utah Insurance Commissioner (“Commissioner”), whereby Respondent agreed to an administrative penalty of 12 months’ probation due to three outstanding tax liens the Utah State Tax Commission

entered against him. See *Utah Insurance Department v. Brett R. Johnson*, Docket No. 2018-011 PC, Stipulation and Order, dated February 15, 2018.

i. The tax liens identified in the Stipulation are as follows:

1. On April 21, 2008, a tax lien judgment was entered against Respondent in the amount of \$19,341.87 for the 2005 tax year, in the Fourth District Court, Heber, Wasatch County, State of Utah, Case No. 086500179 (“April 2008 Tax Lien”).

2. On August 22, 2011, a tax lien judgment was entered against Respondent in the amount of \$2,221.67 for the 2007 tax year, in the Fourth District Court, Heber, Wasatch County, State of Utah, Case No. 116500531 (“August 2011 Tax Lien”).

3. On September 19, 2011, a tax lien judgment was entered against Respondent in the amount of \$12,761.56 for the 2006 tax year, in the Fourth District Court, Heber, Wasatch County, State of Utah, Case No. 116500646 (“September 2011 Tax Lien”).

ii. The Stipulation indicated that Respondent had provided the Department with a copy of a payment agreement between the Utah State Tax Commission and Respondent, which provided for a 12-month payment program.

iii. The Stipulation provided that, pursuant to Utah Code § 31A-23a-111, a license may be revoked, suspended, limited or terminated if a licensee fails to pay state income tax or comply with an administrative or court order directing payment of state income tax.

iv. The Stipulation provided that “Respondent shall comply with the terms of the payment agreement entered into with the Utah State Tax Commission and shall provide to the Department quarterly tax payment reports.”

e. On May 21, 2018, a tax lien judgment was entered against Respondent in the amount of \$4,557.49 for the 2009 tax year, in the Third District Court, Salt Lake, Salt Lake County, State of Utah, Case No. 186911679. According to the court records that I have reviewed, this tax lien judgment continues to be outstanding.

f. On May 21, 2018, a tax lien judgment was entered against Respondent in the amount of \$18,452.59 for the 2010 tax year, in the Third District Court, Salt Lake, Salt Lake County, State of Utah, Case No. 186911359. According to the court records that I have reviewed, this tax lien judgment continues to be outstanding.

g. On May 21, 2018, a tax lien judgment was entered against Respondent in the amount of \$3,175.92 for the 2011 tax year, in the Third District Court, Salt Lake, Salt Lake County, State of Utah, Case No. 186911143. According to the court records that I have reviewed, this tax lien judgment continues to be outstanding.

h. On May 21, 2018, a tax lien judgment was entered against Respondent in the amount of \$9,330.23 for the 2012 tax year, in the Third District Court, Salt Lake, Salt Lake County, State of Utah, Case No. 186911561. According to the court records that I have reviewed, this tax lien judgment continues to be outstanding.

i. On May 21, 2018, a tax lien judgment was entered against Respondent in the amount of \$6,621.23 for the 2013 tax year, in the Third District Court, Salt Lake, Salt Lake County, State of Utah, Case No. 186911590. According to the court records that I have reviewed, this tax lien judgment continues to be outstanding.

j. On May 21, 2018, a tax lien judgment was entered against Respondent in the amount of \$3,394.67 for the 2014 tax year, in the Third District Court, Salt Lake, Salt Lake County, State of Utah, Case No. 186911165. According to the court records that I have reviewed, this tax lien judgment continues to be outstanding.

k. On May 21, 2018, a tax lien judgment was entered against Respondent in the amount of \$3,709.14 for the 2015 tax year, in the Third District Court, Salt Lake, Salt Lake County, State of Utah, Case No. 186911692. According to the court records that I have reviewed, this tax lien judgment continues to be outstanding.

l. According to the court documents that I have reviewed, the three tax liens that were the subject of the Department's administrative action against Respondent, the April 2008 Tax Lien, the August 2011 Tax Lien, and the September 2011 Tax Lien, all continue to be outstanding.

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

a. 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.

5. Based on the facts and law set forth above, Respondent's application for renewal of his Utah Resident Producer Individual Insurance License No. 79123, should be denied.

Signed on this 26<sup>th</sup> day of February, 2020, at Salt Lake City, Utah.

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