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BEFORE THE UTAH INSURANCE COMMISSIONER

UTAH INSURANCE DEPARTMENT, Complainant, vs. LAWRENCE MILLER, Respondent.	NOTICE OF INFORMAL ADJUDICATIVE PROCEEDING AND ORDER Docket No. 2020-4225 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 Lawrence Miller (“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 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 18th day of June, 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 (“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 Lawrence Miller (“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. Respondent applied for a Utah resident producer individual insurance license on June 3, 2020.

b. Respondent answered “no” to the question that asked he had ever been convicted of a misdemeanor, had a judgment withheld or deferred, or was currently charged with committing a misdemeanor.

c. On July 21, 1998, Respondent was convicted of Carrying Concealed Dangerous Weapon, a Class A Misdemeanor. West Valley City v. Lawrence James Miller, Case No. 981102768.

d. On January 19, 1999, Respondent was convicted of Theft, a Class B Misdemeanor, and of Threat/Use of Dangerous Weapon in Fight, a Class A Misdemeanor. West Valley City v. Lawrence James Miller, Case No. 981104235.

e. On March 6, 2007, Respondent was convicted of Theft by Deception, a Class A Misdemeanor, and Retail Theft, a Class A Misdemeanor. State of Utah v. Lawrence James Miller, Case No. 041102728.

f. On July 13, 2012, a monetary judgment was entered against Respondent in the amount of \$6,188.48. Based upon court documents that I have reviewed, this judgment remains outstanding. Mountain Loan Centers Inc vs. Lawrence Miller, Case No. 129401433.

g. On March 11, 2014, a monetary judgment was entered against Respondent in the amount of \$9,755.11. Based upon court documents that I have reviewed, this judgement remains outstanding. Troy Butler et al. vs. Lawrence J. Miller, Case No. 140400933.

h. On January 2, 2018, a monetary judgment was entered against Respondent in the amount of \$2,096.00. Based upon the court documents that I have reviewed, the judgment remains outstanding. Workforce Services vs. Lawrence Miller, Case No. 186900259.

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)(B), convicted of a misdemeanor involving fraud, misrepresentation, theft, or dishonesty;

b. Utah Code § 31A-23a-111(5)(b)(ix), by providing incorrect, misleading, or materially untrue information in the license application by answering “no” to the question regarding having ever been convicted of a misdemeanor;

c. Utah Code § 31A-23a-105(2)(b)(ii), by failing to report at the time of filing the license application a criminal prosecution taken against Respondent;

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

e. Utah Code § 31A-23a-111(5)(b)(iv), by failing to pay a final judgment rendered against Respondent in this state within 60 days after the day on which the judgement became final;

f. Utah Code § 31A-23a-111(5)(b)(i), by being unqualified for a license under Utah Code Ann. § 31A-23a-104, 105, or 107.

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

Signed on this 16th day of June, 2020, in Salt Lake City, Salt Lake County, State of Utah.

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