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**BEFORE THE UTAH INSURANCE COMMISSIONER**

UTAH INSURANCE DEPARTMENT,  Complainant,  vs.  RACHELLE LAVEE HOLMAN,  Respondent.	NOTICE OF INFORMAL ADJUDICATIVE PROCEEDING AND ORDER  Docket No. 2020-4229
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**NOTICE OF INFORMAL ADJUDICATIVE PROCEEDING**

The Utah Insurance Department (“the Department”) commences this informal adjudicative proceeding against Respondent Rachelle Lavee Holman (“Respondent”) pursuant to Utah Code §§ 31A-2-201 and 63G-4-201 through -203 and to 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 temporary 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 in writing and 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 21<sup>st</sup> day of July, 2020.

TODD E. KISER  
Utah Insurance Commissioner

  
\_\_\_\_\_  
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, 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 Rachelle Lavee Holman (“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 temporary resident producer individual insurance license on June 3, 2020.

b. Respondent answered “no” to the question that asked whether she had ever been convicted of a misdemeanor.

c. On May 5, 2005, Respondent was convicted of Unlawful Purchase/Poss/Cons of Alcohol by Minor, a Class B Misdemeanor. State of Utah vs. Rachelle Lavee Holman, Case No. 051102337.

d. On January 10, 2006, Respondent was convicted of Unlawful Possession of Alc/CS by Minor, a Class B Misdemeanor. Springville City vs. Rachelle Lavee Holman, Case No. 061800013.

e. On May 22, 2006, Respondent was convicted of Attempted Simple Assault, a Class C Misdemeanor. Springville City vs. Rachelle Lavee Holman, Case No. 061801143.

f. On March 4, 2013, Respondent pled guilty to Attempted Possession or use of a Controlled Substance, a Class A Misdemeanor. State of Utah vs. Rachelle Lavee Holman, Case No. 121402857.

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), 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;

b. 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;

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

d. 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 23<sup>rd</sup> 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