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BEFORE THE UTAH INSURANCE COMMISSIONER

<p>UTAH INSURANCE DEPARTMENT, Complainant, vs. BARBARA C. CLARK, Respondent.</p>	<p>NOTICE OF INFORMAL ADJUDICATIVE PROCEEDING AND ORDER</p> <p>Docket No. 2020-4233</p>
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NOTICE OF INFORMAL ADJUDICATIVE PROCEEDING

The Utah Insurance Department (“the Department”) commences this informal adjudicative proceeding against Respondent Barbara C. Clark (“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 her Utah resident producer individual insurance license No. 203981, 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 written 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 uidadmindcases@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 5th day of August, 2020.

TODD E. KISER
Utah Insurance Commissioner


Utah Insurance Department
3110 State Office Building
Salt Lake City, UT 84114
801-538-3860
Email: uidadmindcases@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 Barbara C. Clark (“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 June 2020, Respondent held an active Utah resident producer individual insurance license due for renewal on or before June 30, 2020.

b. On June 24, 2020, Respondent electronically filed an application to renew her license.

i. Respondent answered “yes” to the question “Have you been convicted of a misdemeanor . . . which has not been previously reported to th[e] [Utah] [I]nsurance [D]epartment?”

c. On February 8, 2017, Respondent pleaded no contest to violating Utah Code § 76-6-602, Retail Theft (Shoplifting), a Class B Misdemeanor. On February 8, 2017, Respondent was placed on probation for twelve (12) months.

d. Respondent did not inform the Department of her Retail Theft (Shoplifting), Class B Misdemeanor conviction on her 2018 Utah resident individual producer license renewal application, nor at any time prior to her 2020 renewal application.

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

a. Utah Code § 31A-23a-111(5)(b)(xiv)(B), being convicted of a misdemeanor involving fraud, misrepresentation, theft, or dishonesty.

b. Utah Code § 31A-23a-105(2)(b)(ii), -(c)(i)(B)(ii), failing to report to the Commissioner a criminal prosecution against her within thirty-days (30) of her initial appearance before a court.

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

5. Based on the facts and law set forth above, Respondent's application for renewal of her Utah resident producer individual insurance license No. 203981, should be denied.

Signed on this 3rd day of August, 2020, at Salt Lake City, Utah.

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