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BEFORE THE UTAH INSURANCE COMMISSIONER

UTAH INSURANCE DEPARTMENT,

Complainant,

vs.

ERIK E. THOMSEN,

Respondent.

**NOTICE OF INFORMAL
ADJUDICATIVE PROCEEDING AND
ORDER**

Docket No. 2020-4239

NOTICE OF INFORMAL ADJUDICATIVE PROCEEDING

The Utah Insurance Department (“the Department”) commences this informal adjudicative proceeding against Respondent Erik E. Thomsen (“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 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 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 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 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: 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 a manager in the Producer Licensing 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 Erik E. Thomsen ("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 June 25, 2020, the Department received an online license application from Respondent for a resident producer individual insurance license.

i. Respondent answered "Yes" to the question that asked "[d]o you have a child support obligation in arrearage." Respondent indicated on his application that he has been in arrears for 10 months.

b. On April 16, 2014, a child support lien was filed, and an initial judgment was entered, against Respondent in the amount of \$3,606.00, in the Third District Court, Salt Lake County, State of Utah. Based upon the court documents that I have reviewed, after numerous modifications to the judgment amount, the child support lien/judgment remains outstanding with an amount owing of \$41,197.46.

c. On August 22, 2017, a monetary judgment was entered against Respondent in the amount of \$326.00, in the Third District Court, Salt Lake County, State of Utah. Based upon the court documents that I have reviewed, this judgment remains outstanding.

d. On August 22, 2017, a monetary judgment was entered against Respondent in the amount of \$2,096.00, in the Third District Court, Salt Lake County, State of Utah. Based upon the court documents that I have reviewed, this judgment remains outstanding.

e. On June 17, 2019, a monetary judgment in the amount of \$2,251.28 in favor of the Utah State Tax Commission was entered against Respondent in the Third District Court, Salt Lake County, State of Utah. Based upon the court documents that I have reviewed, this judgment/tax lien remains outstanding.

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

a. Utah Code § 31A-23a-111(5)(b)(xxi), failing to comply with an administrative or court order imposing a child support obligation.

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

c. 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 a Utah resident producer individual insurance license 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