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BEFORE THE UTAH INSURANCE COMMISSIONER

UTAH INSURANCE DEPARTMENT, Complainant, vs. SHELLY STEPHENS, Respondent.	FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER Docket No. 2020-4260
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Complainant, Utah Insurance Department (“Department”) and Respondent, Shelly Stephens, have stipulated to entry of the following Findings of Fact, Conclusions of Law and Order. Based upon that stipulation, and good cause appearing, the Presiding Officer makes and enters the following:

FINDINGS OF FACT

1. Respondent is a resident independent adjuster, license no. 430243.
2. Respondent’s mailing address is 10168 S. Barnsley Ln., South Jordan, UT 84009.
3. On February 27, 2017, Respondent was convicted of a third-degree felony.
4. In September 2017, Respondent’s license expired for non-renewal.

5. In October 2017, Respondent applied for reinstatement of her license. Respondent answered “No” to the question “Have you been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony, which has not been previously reported to this insurance department?”

6. In September 2019, Respondent renewed her license. On the renewal application Respondent answered “No” to the question “Have you been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony, which has not been previously reported to this insurance department?”

7. On July 23, 2020, via letter, Respondent notified the Department that she had provided materially untrue information on her 2017 application for reinstatement of her license by answering “No” to the question “Have you ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with a felony that has not been previously reported to this insurance department?”

CONCLUSIONS OF LAW

1. The Utah Insurance Commissioner (“Commissioner”) has jurisdiction over the parties and this adjudicative proceeding pursuant to Utah Code §§ 31A-1-105 and 31A-2-201.

2. Pursuant to Utah Code § 31A-26-213(5)(a), the Commissioner has legal authority to revoke a licensee’s license for conduct violating the subsections in Utah Code § 31A-26-213(5)(b).

3. Respondent’s conduct set forth above in the Findings of Fact, violates the following Utah insurance laws:

a. Utah Code § 31A-26-213(5)(b)(ix)(D), providing information in a license

application that is materially untrue.

b. Utah Code § 31A-26-213(5)(b)(xi), obtaining or attempting to obtain a license through misrepresentation or fraud.

4. Pursuant to Utah Code § 31A-26-213(5)(a), -(b)(5)(xiv), Respondent's felony conviction is a basis for the Commissioner to revoke Respondent's resident independent adjuster's license.

ORDER

Based on the foregoing Findings of Fact, Conclusions of Law, and Utah Code § 31A-26-213(5)(a), -(b), it is hereby Ordered that Respondent's resident independent adjuster's license is revoked.

DATED this 26th day of October, 2020

TANJI NORTHRUP
Interim Utah Insurance Commissioner

/s/ Tanji Northrup
Presiding Officer
Utah Insurance Department

NOTICE REGARDING ENFORCEMENT OF THIS ORDER

Failure to obey this Order may subject you to further penalties that include a forfeiture of up to \$2,500 per violation, with each day of the violation constituting a separate violation. Other penalties for failing to obey this Order may include license suspension, probation, refusal to renew, or revocation. Failure to obey this Order may also result in an action taken against you in a court of competent jurisdiction where forfeitures of up to \$10,000 for each day the failure to comply continues until judgment is rendered. If you are licensed in other jurisdictions, you may be required to report this proceeding to those jurisdictions.