

HELEN A. FROHLICH #8814
Assistant Attorney General
SEAN D. REYES #7969
Attorney General
Attorneys for Utah Insurance Department
160 East 300 South, 5th Floor
P.O. Box 140874
Salt Lake City, Utah 84114-0874
Telephone: (801) 366-0367
Email: hfrohlich@agutah.gov

BEFORE THE UTAH INSURANCE COMMISSIONER

<p>UTAH INSURANCE DEPARTMENT, Complainant, vs. DANI FRANSEN, Respondent.</p>	<p>NOTICE OF AGENCY ACTION AND ORDER Docket No. 2020-4264</p>
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NOTICE OF AGENCY ACTION

The Utah Insurance Department (the “Department”) commences this agency action against Respondent Dani Fransen (“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 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 Agency Action 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 in writing and 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 14 day of OCTOBER, 2020.

TANJI J. NORTHRUP
Interim Utah Insurance Commissioner

Reed Stu-Gran - designee

Utah Insurance Department
3110 State Office Building
Salt Lake City, UT 84114
801-538-3860
Email: uidadmincases@utah.gov

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.

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 Agency Action and Order against Dani Fransen (“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 May 14, 2018, Respondent pled guilty to False or Fraudulent Insurance Claim, a 2nd Degree Felony, and entered into a 36 month plea in abeyance agreement with the court. Respondent was also ordered to pay \$17,755.54 in restitution and a \$2,000.00 penalty. State of Utah Attorney General vs. Dani Jai Fransen, case no. 171902779.

b. On September 17, 2020, Respondent applied for a resident producer individual insurance license. Respondent answered yes to the question that asked whether she had ever been convicted of a felony, had a judgment withheld or deferred, or was currently charged with committing a felony.

c. On September 23, 2020, Respondent submitted an Application to Utah Insurance Commissioner for Written Consent to Engage in the Business of Insurance Pursuant to 18 U.S.C. §§ 1033 and 1034 (“1033 Application”).

d. Pursuant to 18 U.S.C. § 1033, a person convicted of a felony involving dishonesty or breach of trust must obtain written consent to engage in the business of insurance from the state insurance regulatory official with appropriate jurisdiction.

e. On October 7, 2020, the Interim Utah Insurance Commissioner (“Commissioner”), Tanji J. Northrup, denied Respondent’s 1033 Application.

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

a. Having been convicted of a felony involving dishonesty or breach of trust and having failed to obtain from the Commissioner the required written consent to engage or participate in the business of insurance, Respondent is prohibited from engaging in the business of insurance pursuant to Utah Code § 31A-2-111(5)(b) and 18 U.S.C. § 1033(e)(2);

b. Utah Admin. Code R590-281-4(3)(a), by applying for a license without first obtaining written consent from the Commissioner to engage or participate in the business of insurance; and

c. Utah Admin. Code R590-281-4(2), by applying for a license while a criminal proceeding is still pending against the individual.

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 14th day of October, 2020, at Salt Lake City, Utah.

/s/ Randy Overstreet

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