

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 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 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 29th day of October, 2020.

TANJI NORTHRUP
Interim Utah Insurance Commissioner

/s/ Reed Stringham – 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 a manager in the Financial Regulation & Licensing Division of 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 Jose Ramirez (“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 October 16, 2020, the Department received an online license application from Respondent for a resident producer individual insurance license.

i. Respondent answered “Yes” to the question “Have you ever been convicted of a misdemeanor, had a judgment withheld or deferred, or are you currently charged with committing a misdemeanor?”

b. On September 17, 2019, Respondent was convicted of violating Utah Code § 76-6-602, Retail Theft, a Class A Misdemeanor, in the Fourth District Court, Provo, Utah County, State of Utah. On October 29, 2019, Respondent was placed on probation for 24 months.

c. Prior to Respondent’s current license application, on May 29, 2020, the Department received an online license application from Respondent for a temporary resident producer individual insurance license.

i. Respondent answered “No” to the question “Have you ever been convicted of a misdemeanor, had a judgment withheld or deferred, or are you currently charged with committing a misdemeanor?”

d. In addition to failing to disclose his September 17, 2019 Retail Theft misdemeanor conviction, Respondent also failed to disclose the following misdemeanor convictions:

i. On June 1, 2008, Respondent was convicted on two counts of violating Utah Code § 76-6-404, Theft, a Class A Misdemeanor, in the Third District Court, Salt Lake County, State of Utah.

ii. On November 30, 2019, Respondent was convicted of violating Utah Code § 76-8-305.5, Failure to Stop at Command of Law Enforcement, a Class A Misdemeanor; and Utah Code § 76-8-507(1), Giving False Personal Identity to Peace Officer, a Class C Misdemeanor, in the Third District Court, Salt Lake County, State of Utah.

iii. On January 14, 2019, Respondent was convicted on four counts of violating Utah Code § 58-37-8(1)(A)(II), Attempted- Distribute/Offer/Arrange Distribution of a Controlled Substance, a Third Degree Felony, all counts amended to Class A Misdemeanors; one count of violating Utah Code § 58-37-8(1)(A)(III), Attempted- Possession w/ Intent to Distribute Controlled Substance, a Class A Misdemeanor; and one count of violating Utah Code § 76-10-503(3)(A), Attempted- Purchase, Transfer, Possession, Use of a Firearm by a Restricted Person, a Third Degree Felony, amended to a Class A Misdemeanor, in the Second District Court, Farmington, Davis County, State of Utah.

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

a. Utah Admin. Code R590-281-4(1)(c), applying for a license prior to the end of the required time period from the date Respondent was released from court ordered probation resulting from a misdemeanor conviction involving fraud, misrepresentation, theft, or dishonesty.

b. Utah Code § 31A-23a-111(5)(b)(ix), concerning Respondent's application for a temporary resident producer's license, providing incorrect, misleading, or materially untrue information by answering "No" to the question regarding being charged with or convicted of a misdemeanor.

c. Utah Code § 31A-23a-105(2)(b)(ii), concerning Respondent's application for a temporary resident producer's license, failing to report at the time of filing a license application a criminal prosecution taken against Respondent.

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

e. Utah Code § 31A-23a-111(5)(b)(i), being unqualified for a license under Utah Code § 31A-23a-104, -105, or -107.

5. Pursuant to Utah Code § 31A-23a-111(5)(a), -(b)(5)(xiv)(B), Respondent's misdemeanor convictions involving fraud, misrepresentation, theft, or dishonesty are a basis for the Commissioner to deny Respondent's license application for a resident producer's license.

6. 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 29th day of October, 2020, at Salt Lake City, Utah.

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