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BEFORE THE UTAH INSURANCE COMMISSIONER

UTAH INSURANCE DEPARTMENT, Complainant, vs. GRANT NIELSEN EGGERTSEN IV, Respondent.	NOTICE OF AGENCY ACTION AND ORDER Docket No. 2020-4274
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NOTICE OF AGENCY ACTION

The Utah Insurance Department (the “Department”) commences this informal adjudicative proceeding against Respondent Grant Nielsen Eggertsen IV (“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 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 7th day of December, 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 Grant Nielsen Eggertsen IV (“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 28, 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?”

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

iii. Respondent answered “No” to the question “If you have a felony conviction involving dishonesty or breach of trust, have you applied for written consent to engage in the business of insurance in your home state required by 18 USC 1033?”

b. On May 23, 2013, Respondent pleaded guilty to violating Utah Code § 76-6-301, Attempted Robbery, a 2nd Degree Felony, amended pursuant to Utah Code § 76-3-

402 to a 3rd Degree Felony, and thereafter a Class A Misdemeanor, in the Third District Court, Salt Lake County, State of Utah.

c. On September 26, 2016, a monetary judgment in the amount of \$2,355.00 was entered against Respondent in the Third District Court, West Jordan, Salt Lake County, State of Utah. My review of the proceedings in this matter shows that this judgment remains outstanding.

d. On August, 2, 2019, a monetary judgment in the amount of \$2,662.95 was entered against Respondent in the Provo City Justice Court, Utah County, State of Utah. My review of the proceedings in this matter shows that this judgment remains outstanding.

e. On January 22, 2020, a monetary judgment in the amount of \$1,377.03 was entered against Respondent in the West Jordan City Justice Court, Salt Lake County, State of Utah. My review of the proceedings in this matter shows that this judgment remains outstanding.

f. On January 29, 2020, a monetary judgment in the amount of \$2,438.46 was entered against Respondent in the Fourth District Court, Provo, Utah County, State of Utah. My review of the proceedings in this matter shows that this judgment remains outstanding.

g. On May 18, 2020, a monetary judgment in the amount of \$2,327.79 was entered against Respondent in the Third District Court, Salt Lake County, State of Utah. My review of the proceedings in this matter shows that this judgment remains outstanding.

h. On October 05, 2020, Respondent made an initial appearance and was charged with violating Utah Code § 76-5-302(3), Aggravated Kidnapping in the Course of Committing Unlawful Detention, a Third Degree Felony (Domestic Violence); Utah Code § 76-6-206(3)(A), Criminal Trespass within a Dwelling, a Class A Misdemeanor (Domestic Violence); and Utah Code § 76-5-102 Assault, a Class B Misdemeanor (Domestic Violence), in the Fourth District Court, Heber, Wasatch County, State of Utah. Respondent has a preliminary hearing on those charges on January 13, 2021.

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

a. Utah Code § 31A-23a-111(5)(b), authorizes the Commissioner to act in compliance with the Violent Crime Control and Law Enforcement Act of 1994, 18 U.S.C. § 1033. 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-23a-111(5)(b)(xxv) and 18 U.S.C. § 1033(e)(2).

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

d. Utah Admin. Code R590-281-4(2) applying for an insurance license while a criminal proceeding is pending against the individual.

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 4th day of December, 2020, at Salt Lake City, Utah.

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