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BEFORE THE UTAH INSURANCE COMMISSIONER

UTAH INSURANCE DEPARTMENT, Complainant, vs. JIM ELLIOTT, Respondent.	NOTICE OF AGENCY ACTION AND ORDER Docket No. 2020-4280 Curtis L. Garner Presiding Officer
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NOTICE OF AGENCY ACTION

The Utah Insurance Department (“the Department”) commences this agency action as an informal adjudicative proceeding against Respondent Jim Elliott (“Respondent”) pursuant to Utah Code §§ 31A-2-201 and 63G-4-201 through -203 and to Utah Admin. Code R590-160.

This agency action 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 limited line individual insurance license with a bail bond producer limited line of authority is denied.

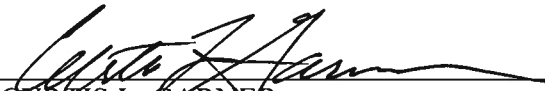
2. Pursuant to Utah Code § 63G-4-203(1)(i) and Utah Admin. Code R590-160-8(1), this informal adjudicative proceeding shall be deemed closed, and this Order shall become final and take full effect, 15 days after this Notice of Agency Action and Order is emailed to Respondent unless a request for a hearing 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 5th day of January 2021.

JONATHAN T. PIKE
Acting Utah Insurance Commissioner


CURTIS L. GARNER
Presiding Officer
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, 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 Jim Elliott (“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. Respondent applied for a Utah resident producer limited line individual insurance license with a bail bond producer limited line of authority.

b. Respondent previously held this same type of license and line of authority. He surrendered his license (no. 413919) in lieu of administrative action on December 7, 2015.

c. Respondent purchased Superior Bail Bonds (“Superior”) on or about October 24, 2014. Records from the Department of Commerce also identify Respondent as the Manager and Registered Agent of Superior.

d. Respondent, as Superior’s authorized representative, surrendered Superior’s license (no. 344025) in lieu of administrative action on December 7, 2015.

e. During the time that Respondent served as the owner of Superior, numerous forfeiture judgments were entered against Superior. The judgments have been referred to the Office of State Debt Collection and remain outstanding.

f. The unpaid judgments against Superior now total nearly \$500,000, including interest and fees.

g. Respondent answered no to the question in the license application that asked “[h]as any demand been made or judgment rendered against you or any business in which you are or were an owner, partner, officer or director, or member or manager of limited liability company, for overdue monies by an insurer, insured or producer, or have you ever been subject to a bankruptcy proceeding?”

h. Respondent’s failure to pay or direct Superior to pay its judgments while acting as its owner and manager demonstrate incompetence, untrustworthiness, or financial irresponsibility in conducting a business.

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

a. Utah Code § 31A-23a-111(5)(b)(ix), by providing incorrect, misleading, or materially untrue information in the license application by answering “no” to the question regarding any demand or judgment made against Respondent or any business Respondent is or was an owner, partner, officer or director or member or manager of a limited liability company, for overdue monies by an insurer, insured or producer;

b. Utah Code § 31A-23a-111(5)(b)(xvi)(B), by demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this state by failing to pay or ensure Superior paid the outstanding unpaid judgments rendered against the bail agency over which Respondent was owner and manager; and

c. Utah Admin. Code R590-186-6(28), by engaging in unprofessional conduct through failing to comply with outstanding judgments rendered against Superior, which Respondent owned and managed.

5. Based on the facts and law set forth above, Respondent's application for a Utah resident producer limited line individual insurance license with a bail bond producer limited line of authority should be denied.

Signed on this 28th day of December, 2020, in Salt Lake City, Salt Lake County, State of Utah.

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