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BEFORE THE UTAH INSURANCE COMMISSIONER

UTAH INSURANCE DEPARTMENT, Complainant, vs. KATHLEEN JOELLE LEAVITT, Respondent.	NOTICE OF AGENCY ACTION AND ORDER Docket No. 2021-4319 Donald H. Hansen 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 Kathleen Joelle Leavitt (“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 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 Informal Adjudicative Proceeding 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 7 day of April, 2021.

JONATHAN T. PIKE
Utah Insurance Commissioner



DONALD H. HANSEN
Presiding Officer
Utah Insurance Department
4315 S. 2700 W., Suite 2300
Taylorsville, UT 84129
Telephone: (801) 957-9321
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, license suspension or revocation, further enforcement action before the Utah District Court where forfeitures of up to \$10,000 may be imposed. 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 Kathleen Joelle Leavitt (“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 individual insurance license on March 18, 2021.

b. Respondent previously applied for a Utah resident producer individual insurance license on May 21, 2020.

c. Following a hearing, Respondent’s previous application was denied. See Utah Insurance Department v. Kathleen Joelle Leavitt, docket no. 2020-4242, November 13, 2020.

d. Despite this prior proceeding, Respondent answered “no” to the question that asked whether she had “ever been named or involved as a party in an administrative proceeding, including FINRA sanction or arbitration proceeding regarding any professional license or registration?”

e. In her current application, Respondent also answered “no” to the question that asked whether she had a delinquent tax obligation that was not the subject of a repayment agreement.

f. On July 22, 2019, a tax lien was entered against Respondent in the amount of \$163.33 in the Fourth District Court, Utah County, State of Utah. Based upon the court documents that I have reviewed, this judgment remains outstanding. See Utah State Tax Commission vs. Kathleen J. Leavitt, case no. 196406416.

g. On January 25, 2021, a tax lien was entered against Respondent in the amount of \$1,180.84 in the Fourth District Court, Utah County, State of Utah. Based upon the court documents that I have reviewed, this judgment remains outstanding. See Utah State Tax Commission vs. Kathleen J. Leavitt, case no. 216400933.

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

a. Utah Code § 31A-23a-111(5)(b)(xxii), by failing to pay state income tax, or to comply with an administrative or court order directing payment of state income tax;

b. Utah Code § 31A-23a-111(5)(b)(ix), by providing incorrect, misleading, or materially untrue information on the license application by answering “no” to the question concerning a delinquent tax obligation;

c. Utah Code § 31A-23a-111(5)(b)(ix), by providing incorrect, misleading, or materially untrue information on the license application by answering “no” to the question concerning having ever been involved in an administrative proceeding regarding any professional or occupational license;

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

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

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 6th day of April, 2021, 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