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BEFORE THE UTAH INSURANCE COMMISSIONER

<p>UTAH INSURANCE DEPARTMENT, Complainant, vs. DIANNE-LYNN MCLESTER-HEIM, Respondent.</p>	<p>NOTICE OF AGENCY ACTION AND ORDER</p> <p>Docket No. 2021-4332</p> <p>Donald H. Hansen Administrative Law Judge/Presiding Officer</p>
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NOTICE OF AGENCY ACTION

The Utah Insurance Department (the “Department”) commences this informal adjudicative proceeding against Respondent Dianne-Lynn McLester-Heim (“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 non-resident individual producer license is revoked.
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 mailed 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, 4315 South 2700 West, Ste. 2300, Taylorsville, UT 84129. 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 22nd day of July, 2021.

JONATHAN T. PIKE
Utah Insurance Commissioner

/s/ Donald H. Hansen
Donald H. Hansen
Administrative Law Judge/Presiding Officer
Utah Insurance Department
4315 South 2700 West, Ste. 2300
Taylorsville, UT 84129
801-957-9321
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, William Stimpson, declare the following:

1. I am currently employed as a market conduct investigator for 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 Dianne-Lynn McLester-Heim (“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 is a non-resident individual producer holding license no. 807549.

b. Respondent’s last known address is [REDACTED].

c. On December 15, 2020, Respondent was indicted in the United States District Court, Eastern District of Wisconsin, case number 20-CR-243, for violating 18 U.S.C. § 641, Theft of Government Property.

d. In January 2021, Respondent notified the Department, via letter, that she had been charged in federal court with a felony for theft of government property.

e. On February 23, 2021, Respondent pleaded guilty to violating 18 U.S.C. § 641, Theft of Government Property.

f. On June 10, 2021, Respondent was sentenced to three (3) years’ probation and ordered to pay restitution in the amount of \$12,509.59, for violating 18 U.S.C. § 641, Theft of Government Property.

The Department’s Requests for Information from Respondent

g. On March 22, 2021, via U.S. mail and email, the Department requested information from Respondent regarding the theft charge. The Department requested

that Respondent provide the information no later than March 29, 2021.

h. Respondent did not respond to the Department's March 22nd letter.

i. On May 12, 2021, via email, the Department requested information from Respondent regarding the theft charge. The Department requested that Respondent provide the information no later than May 19, 2021.

j. Respondent did not respond to the Department's May 12th letter.

Regulatory Actions Against Respondent in Other States

k. On June 9, 2021, I ran a state licensing report, regulatory action, for Respondent in the National Association of Insurance Commissioners' database, which showed the following:

i. On April 30, 2021, effective May 17, 2021, the state of Washington revoked Respondent's insurance license for "Failure to Respond," "Other States Action," and "Failure to Report Other State Action."

ii. On May 11, 2021, the state of Idaho revoked Respondent's insurance license for "Other States Action" and "Criminal Proceedings."

iii. On June 1, 2021, effective May 28, 2021, the state of Wisconsin revoked Respondent's insurance license and fined Respondent \$25,000 for "Lack of Fitness or Trustworthiness."

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

a. Utah Code § 31A-23a-111(5)(b)(xvii)(C), having an insurance license revoked in another state.

b. Utah Code § 31A-23a-111(5)(b)(xiv)(A), having been convicted of a felony.

c. Utah Code § 31A-2-202, failing to promptly respond to an inquiry from the

Commissioner.

d. Utah Code § 31A-23a-412, failing to register and maintain an address, one or more telephone numbers, and a valid business email address at which the Commissioner may contact the licensee.

5. Based on the facts and law set forth above, Respondent's non-resident individual producer insurance license should be revoked.

Signed on this 20th day of July, 2021, at Salt Lake City, Utah.

/s/ William Stimpson
William Stimpson, Market Conduct Examiner
Utah Insurance Department

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this date a true and correct copy of the foregoing Notice of Agency Action and Order, with the Declaration attached to it, was sent by email and U.S. Mail, postage prepaid, to:

Dianne-Lynn McLester
[REDACTED]

[REDACTED]
[REDACTED]

and

Via email to:

William Stimpson
Utah Insurance
Department
[REDACTED]

DATED this 22nd day of July, 2021.

/s/ Jeanine Couser
Jeanine Couser
Utah Insurance Department
4315 South 2700 West, Ste. 2300
Taylorsville, UT 84129
801-957-9321