

EDWARD VASQUEZ #8640
Assistant Attorney General
SEAN D. REYES #7969
Attorney General
Attorneys for Utah Insurance Department
160 East 300 South, 5th Floor
P.O. Box 140874
Salt Lake City, Utah 84114-0874
Telephone: (801) 366-0375
Email: evasquez@agutah.gov

BEFORE THE UTAH INSURANCE COMMISSIONER

<p>UTAH INSURANCE DEPARTMENT, Complainant, vs. KAYCEE HERRERA, Respondent.</p>	<p>NOTICE OF AGENCY ACTION AND ORDER</p> <p>Docket No. 2021-4339</p> <p>Donald H. Hansen Administrative Law Judge/Presiding Officer</p>
--	--

NOTICE OF AGENCY ACTION

The Utah Insurance Department (the “Department”) commences this informal adjudicative proceeding against Respondent Kaycee Herrera (“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.

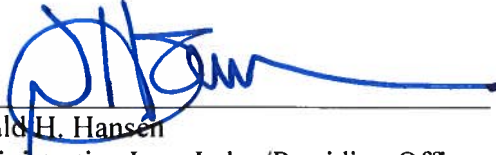
2. Pursuant to Utah Code § 63G-4-203(1)(i) and Utah Admin. Code R590-160-8(1), this informal adjudicative proceeding shall be deemed closed, and this Order shall become final and take full effect, 15 days after this Notice of Agency Action and Order is emailed to Respondent unless a written request for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

JONATHAN T. PIKE
Utah Insurance Commissioner



Donald H. Hansen
Administrative Law Judge/Presiding Officer
Utah Insurance Department
4315 South 2700 West, Ste. 2300
Taylorsville, UT 84129
801-957-9321
Email: uidadmicases@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 Kaycee Herrera (“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 July 12, 2021, 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 stated on her license application that her date of birth is 03-28-1991.

iii. Respondent informed the Department that she was cited for theft at a Walmart store but did not provide the location.

iv. Respondent provided the Department with a certified copy of a docket in a criminal matter entitled, State of Utah-Logan City vs. Kaycee Jean Petersen, Case Number 191000084, Logan City Justice Court, Cache County, State of Utah. The first docket page showed that Kaycee Jean Petersen’s date of birth is 03-28-

1991. The docket page also showed that Ms. Petersen had pleaded guilty to retail theft, a Class B Misdemeanor.

b. On July 15, 2021, the Department contacted Respondent and asked Respondent for an explanation why she used the last name “Petersen.”

c. Respondent informed the Department that “Petersen” is her maiden name and that she “got married last year.”

d. On March 19, 2019, Respondent, under the name Kaycee Jean Petersen, date of birth 03-28-91, pleaded guilty to violating Utah Code § 76-6-602, Retail Theft (Shoplifting), a Class B Misdemeanor, in the Logan City Justice Court, Cache County, State of Utah, Case Number 191000084.

e. On March 27, 2019, Respondent was sentenced to 12 months’ probation for violating Utah Code § 76-6-602, Retail Theft (Shoplifting), a Class B Misdemeanor, in the Logan City Justice Court, Cache County, State of Utah, Case Number 191000084.

f. On December 31, 2014, a monetary judgment in the amount of \$2,472.45 was entered against Respondent, under the name Kaycee J. Petersen, in the First District Court-Cache, Cache County, State of Utah, Case Number 140100507. My review of the proceedings in this matter shows that this judgment remains unsatisfied and unexpired.

g. On October 9, 2015, a monetary judgment in the amount of \$899.50 was entered against Respondent, under the name Kaycee Petersen, in the First District Court-Cache, Cache County, State of Utah, Case Number 159101744. My review of the proceedings in this matter shows that this judgment remains unsatisfied and unexpired.

h. On September 15, 2017, a monetary judgment in the amount of \$517.75 was entered against Respondent, under the name Kaycee J. Petersen, in the First District

Court-Cache, Cache County, State of Utah, Case Number 179101606. My review of the proceedings in this matter shows that this judgment remains unsatisfied and unexpired.

i. On August 20, 2020, a monetary judgment in the amount of \$1,082.96 was entered against Respondent, under the name Kaycee Petersen, in the First District Court-Cache, Cache County, State of Utah, Case Number 209101517. My review of the proceedings in this matter shows that this judgment remains unsatisfied and unexpired.

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

a. Utah Code § 31A-23a-111(5)(b)(xiv)(B), being convicted of a misdemeanor involving fraud, misrepresentation, theft, or dishonesty.

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

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

e. Utah Admin. Code § R590-281-4(1)(e)(iii), applying for a license prior to the end of the required time-period due to Respondent's misdemeanor conviction involving fraud, misrepresentation, theft, or dishonesty.

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 3rd day of August, 2021, at Salt Lake City, Utah.

/s/ Randy Overstreet
Randy Overstreet
Manager, Financial Regulation & Licensing
Division
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 emailed to:

Kaycee Herrera
[REDACTED]

and

Randy Overstreet
Utah Insurance Department
[REDACTED]

DATED this 4th day of August, 2021.



Jeanine Couser
Utah Insurance Department
4315 South 2700 West, Ste. 2300
Taylorsville, UT 84129
801-957-9321
Email: uidadmincases@utah.gov