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BEFORE THE UTAH INSURANCE COMMISSIONER

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| UTAH INSURANCE DEPARTMENT, Complainant, vs. TORI YVONNE CLARK, Respondent. | NOTICE OF AGENCY ACTION AND ORDER Docket No. 2022-4375 Donald H. Hansen Administrative Law Judge/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 Tori Yvonne Clark (“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 limited line 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 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, 4315 S. 2700 W., Suite 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 8th day of February, 2022.

JONATHAN T. PIKE
Utah Insurance Commissioner

/s/ Donald H. Hansen
DONALD H. HANSEN
Administrative Law Judge/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 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 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 where forfeitures of up to \$10,000 for each day the failure to comply continues until judgement 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 Tori Yvonne Clark (“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 limited line producer individual insurance license on January 19, 2022.

b. Respondent answered “no” to the question that asked whether she had been convicted of a misdemeanor.

c. Respondent answered “no” to the question concerning delinquent tax obligations.

d. On August 18, 2020, Respondent entered into a plea in abeyance agreement to retail theft (shoplifting), a Class B Misdemeanor. On February 11, 2021, the plea in abeyance was cancelled and a disposition of no contest was entered against Respondent. The case was closed on September 17, 2021. *See* Midvale City vs. Tori Yvonne Clark, case no. 141000360, Salt Lake County, State of Utah.

e. On April 21, 2014, a paperless tax lien was filed and a monetary judgment entered against Respondent in the amount of \$1,344.53. Based upon the court documents that I reviewed, this judgment remains outstanding. *See* Utah State Tax Commission vs. Tori Y Clark, case no. 146911246, Salt Lake County, State of Utah.

f. On April 21, 2014, a paperless tax lien was filed and a monetary judgment entered against Respondent in the amount of \$1,277.67. Based upon the court documents that I reviewed, this judgement remains outstanding. *See Utah State Tax Commission vs. Tori Y Clark*, case no. 146911307, Salt Lake County, State of Utah.

g. On April 21, 2014, a paperless tax lien was filed and a monetary judgment entered against Respondent in the amount of \$1,118.48. Based upon the court documents that I reviewed, this judgment remains outstanding. *See Utah State Tax Commission vs. Tori Y Clark*, case no. 146912085, Salt Lake County, State of Utah.

h. On January 15, 2018, a paperless tax lien was filed and a monetary judgment entered against Respondent in the amount of \$549.30. Based upon the court documents that I reviewed, this judgment remains outstanding. *See Utah State Tax Commission vs. Tori Y Clark*, case no. 186901399, Salt Lake County, State of Utah.

i. On August 16, 2021, a paperless tax lien was filed and a monetary judgment entered against Respondent in the amount of \$1,095.09. Based upon the court documents that I reviewed, this judgment remains outstanding. *See Utah State Tax Commission vs. Tori Y Clark*, case no. 216924565, Salt Lake County, State of Utah.

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), by being convicted of a misdemeanor involving fraud, misrepresentation, theft, or dishonesty;

b. 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;

c. Utah Code § 31A-23a-105(2)(b)(ii), by failing to report at the time of filing the license application a criminal prosecution taken against Respondent;

d. 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 criminal background question regarding having ever been convicted of a misdemeanor;

e. 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 delinquent tax obligations;

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

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

h. Utah Administrative Rule R590-281-4(1)(e), by applying for a license prior to the end of the required time period resulting from 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 resident limited line producer individual insurance license should be denied.

Signed on this 8th day of February, 2022, 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

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:

Tori Yvonne Clark
[REDACTED]
[REDACTED]

and

Randy Overstreet
Utah Insurance Department
[REDACTED]

DATED this 8th day of February, 2022.

/s/ Jeanine Couser _____
Jeanine Couser
Utah Insurance Department
4315 S. 2700 W., Suite 2300
Taylorsville, UT 84129
(801) 957-9321

