

1. Respondent's application for a Utah resident producer individual insurance license is denied.

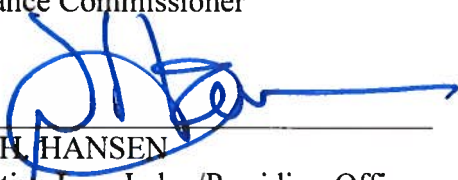
2. Pursuant to Utah Code § 63G-4-203(1)(i) and Utah Admin. Code R590-160-8(1), this informal adjudicative proceeding shall be deemed closed, and this Order shall become final and take full effect, 15 days after this Notice of Agency Action and Order is emailed to Respondent unless a request for a hearing 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 16th day of March, 2022.

JONATHAN T. PIKE
Utah Insurance Commissioner



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 Kapali Henderson Uli Kaiha (“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 February 23, 2022.

b. Respondent answered “yes” to the question that asked whether he had been convicted of a misdemeanor, and “yes” to the question that asked whether he had been convicted of a felony.

c. On November 16, 2021, Respondent was convicted of theft, a class B misdemeanor. The case was closed on December 28, 2021. *See American Fork City vs. Kapali Henderson Uli Kiaha*, case no. 191101054, Utah County, State of Utah.

d. On November 25, 2020, Respondent entered into a plea in abeyance agreement to a charge of forgery, a 3rd degree felony. On December 21, 2021, the charge was dismissed with prejudice and the case was closed. *See State of Utah vs. Kapali Henderson Uli Kiaha*, case no. 191403737, Utah County, State of Utah.

e. On September 20, 2021, a paperless tax lien was filed and a monetary judgment entered against Respondent in the amount of \$950.08. Based upon the court documents

that I reviewed, this judgment remains outstanding. See Utah State Tax Commission vs. Kapali Kiaha, case no. 216409032, Utah County, State of Utah.

f. On December 20, 2021, a paperless tax lien was filed and a monetary judgment entered against Respondent in the amount of \$1,766.00. Based upon the court documents that I reviewed, this judgement remains outstanding. See Utah State Tax Commission vs. Kapali Kiaha, case no. 216412423, Utah County, State of Utah.

g. On February 16, 2022, a monetary judgment was entered against Respondent in the amount of \$3,283.95. Based upon the court documents that I reviewed, this judgment remains outstanding. See Mountain Land Collections vs. Kapali Kiaha, case no. 229100401, Utah 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) authorizes the Commissioner to act in compliance with the Violent Crime Control and Law Enforcement Act of 1994, 18 U.S.C. §1033. Having been convicted of a felony involving dishonesty or breach of trust and having failed to obtain from the Commissioner the required written consent to engage or participate in the business of insurance, Respondent is prohibited from engaging in the business of insurance pursuant to Utah Code § 31A-23a-111(5)(b)(xxv) and 18 U.S.C. § 1033(e)(2);

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

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

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

e. 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;

f. Utah Code § 31A-23a-111(5)(b)(iv), by failing to pay a final judgment rendered against Respondent in this state within 60 days after the day on which the judgment became final;

g. 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; and

h. Utah Administrative Rule R590-281-4(4)(a)(i), by applying for a license without first obtaining written consent from the Commissioner to engage or participate in the business of insurance. Pursuant to R590-281-4(4)(c)(i), an application for written consent is required even if a felony conviction involving dishonesty or breach of trust has been dismissed under a plea in abeyance agreement.

5. Based on the facts and law set forth above, Respondent's application for a resident producer individual insurance license should be denied.

Signed on this 16th day of March, 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:

Kapali Henderson Uli Kaiha
[REDACTED]

and

Randy Overstreet
Utah Insurance Department
[REDACTED]

DATED this 16th day of March, 2022.



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