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**BEFORE THE UTAH INSURANCE COMMISSIONER**

<p>UTAH INSURANCE DEPARTMENT,  Complainant,  vs.  DAVID A. SOLAIMANIAN,  Respondent.</p>	<p>NOTICE OF AGENCY ACTION AND ORDER</p> <p>Docket No. 2022-4390</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 agency action as an informal adjudicative proceeding against Respondent David A. Solaimanian (“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](mailto: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 22<sup>nd</sup> day of April, 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](mailto: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 \$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 David A. Solaimanian (“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 April 8, 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 June 11, 2019, Respondent was convicted of Theft, a 2<sup>nd</sup> degree felony. On July 23, 2019, Respondent was and sentenced to 171 days jail and placed on supervised probation for a period of 36 months. On December 10, 2019, Respondent’s probation was revoked and reinstated with a zero-tolerance provision for 36 months. On May 12, 2020, Respondent’s probation was again revoked and reinstated for 36 months. On April 12, 2022, Respondent’s probation was terminated successfully. (See State of Utah vs. David A. Solaimanian, case # 191700157, Davis County, State of Utah.)

d. On June 17, 2019, Respondent was convicted of Theft, a 3<sup>rd</sup> degree felony. On August 1, 2019, Respondent was sentenced to 179 days jail and placed on 36 months

supervised probation. On January 2, 2020, Respondent's probation was revoked and reinstated for an additional 36 months. On March 10, 2020, Respondent's probation was again revoked and reinstated for 36 month and Respondent was ordered to serve an additional 180 days in jail. Respondent's probation was ordered to be terminated and the case closed after Respondent had served his 180 day jail period. The case was closed on December 4, 2020. (See State of Utah vs. David A. Solaimanian, case # 181404919, Salt Lake County, State of Utah.)

e. On July 29, 2019, Respondent was convicted of Retail Theft, a Class B Misdemeanor. Respondent was sentenced to 5 days jail and the case was closed. (See Salt Lake City vs. David A. Solaimanian, case # 181408048, Salt Lake City, State of Utah.)

f. On July 29, 2019, Respondent was convicted of Retail Theft, a Class B Misdemeanor. The Respondent was sentenced to 5 days jail and the case was closed. (See Salt Lake City vs. David A. Solaimanian, case # 181408949, Salt Lake County, State of Utah.)

g. On July 30, 2019, Respondent was convicted of Retail Theft, Criminal Trespass, and Threat of Violence, all Class B Misdemeanors. Respondent was sentenced to 5 days jail. The case was closed on July 31, 2019. (See State of Utah vs. David A. Solaimanian, case # 181611644, Salt Lake County, State of Utah.)

h. On November 27, 2019, Respondent was convicted of three counts of Theft, all Class A Misdemeanors. Respondent was ordered to serve 21 days jail and placed on 18 months supervised probation. On April 21, 2021, probation was converted to court probation. Respondent's probation was terminated unsuccessfully on January 26, 2022. (See State of Utah vs. David A. Solaimanian, case # 191502142, Washington County, State of Utah.)

i. On March 10, 2020, Respondent was convicted of Retail Theft, a Class A Misdemeanor. Respondent was ordered to serve 180 days jail and the case was closed. (See State of Utah vs. David A. Solaimanian, case # 201901916, Salt Lake County, State of Utah.)

j. On January 25, 2022, Respondent was convicted of Retail Theft and Criminal Trespass, both Class B Misdemeanors and entered into a Plea in Abeyance agreement, with a tracking review date for the Plea in Abeyance set for January 25, 2023. (See State of Utah vs. David A. Solaimanian, case # 211600775, 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) 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)(A) by being convicted of a felony;

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

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

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

f. 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

g. 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 charge involving dishonesty or breach of trust has been dismissed under a plea in abeyance agreement or a felony conviction has been reduced to a lower degree of offense pursuant to UCA § 76-3-402.

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

Signed on this 19<sup>th</sup> day of April, 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:

David A. Solaimanian  
[REDACTED]

and

Randy Overstreet  
Utah Insurance Department  
[REDACTED]

DATED this 22<sup>nd</sup> day of April, 2022.

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