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BEFORE THE UTAH INSURANCE COMMISSIONER

<p>UTAH INSURANCE DEPARTMENT, Complainant, vs. GREGORY JAY EARLS, Respondent.</p>	<p>NOTICE OF AGENCY ACTION AND ORDER</p> <p>Docket No. 2022-4399</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 Gregory Jay Earls (“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 3rd day of June, 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 \$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 Gregory Jay Earls (“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 May 25, 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 December 11, 2018, Respondent was convicted of Retail Theft, a Class B Misdemeanor. Respondent was ordered to pay a fine and placed on supervised probation for a period of twelve months. On December 12, 2019, probation was terminated, and the case was closed. (See West Valley City vs. Gregory Jay Earls, case # 181702138, Salt Lake County, State of Utah.)

d. On May 21, 2019, Respondent was convicted of Retail Theft, a Class B Misdemeanor. Respondent was ordered to pay a fine and placed on supervised probation for a period of eighteen months. The Respondent’s probation was terminated, and the case was closed

on November 21, 2020. (See Layton City vs. Gregory Jay Earls, case # 181601195, Davis County, State of Utah.)

e. On August 13, 2019, a monetary judgment was entered against Respondent in the amount of \$8,903.51. Based upon the court documents that I have reviewed, this judgement remains outstanding. (See Capital One Bank USA NA vs. Gregory Jay Earls, case # 199911701, Salt Lake County, State of Utah.)

f. On August 28, 2019, a monetary judgment was entered against Respondent in the amount of \$3,830.02. Based upon the court documents that I have reviewed, this judgement remains outstanding. (See Desert Rock Capital Inc vs. Gregory Jay Earls, case # 199401394, Utah County, State of Utah.)

g. On January 31, 2020, a monetary judgment was entered against Respondent in the amount of \$1,968.75. Based upon the court documents that I have reviewed, this judgement remains outstanding. (See Midland credit Management Inc vs. Gregory Jay Earls, case # 209900039, Salt Lake County, State of Utah.)

h. On March 5, 2020, a monetary judgment was entered against Respondent in the amount of \$2,509.83. Based upon the court documents that I have reviewed, this judgement remains outstanding. (See Opportunity financial LLC vs. Gregory Jay Earls, case # 209901905, Salt Lake County, State of Utah.)

i. On August 7, 2020, a monetary judgment was entered against Respondent in the amount of \$2,529.00. Based upon the court documents that I have reviewed, this judgement remains outstanding. (See Cavalry SPV I LLC vs. Gregory Jay Earls, case # 209909916, Salt Lake County, State of Utah.)

j. On October 28, 2020, a monetary judgment was entered against Respondent in the amount of \$4,908.43. Based upon the court documents that I have reviewed, this judgement remains outstanding. (See Discover Bank vs. Gregory Jay Earls, case # 209903340, Salt Lake County, State of Utah.

k. On December 15, 2021, Respondent was convicted of Distribution of a Controlled Substance, a Third-Degree Felony, Aiding Prostitution, a Class A Misdemeanor and Disorderly Conduct, a Class B Misdemeanor. Respondent was ordered to serve 283 days in jail, and credit was granted for 283 days previously served. The Respondent was placed on supervised probation for a period of thirty-six months. Based on court documents, Respondent has not yet completed his probation. (See State of Utah vs. Gregory Jay Earls, case # 211902836, Salt Lake County, State of Utah.)

l. On December 15, 2021, Respondent was convicted of one count of Aiding Prostitution-2nd or Subsequent Offense, a Third-Degree Felony and one count of Violation of Pretrial Protective Order-Felony Arrest/Charge, a Third Degree Felony. Respondent was ordered to serve 283 days in jail, credit was granted for 283 days previously served. The Respondent was placed on supervised probation for a period of thirty-six months. Based on court documents, Respondent has not yet completed his probation. (See State of Utah vs. Gregory Jay Earls, case # 211904452, Salt Lake County, State of Utah.)

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

a. Respondent violated Utah Code § 31A-23a-111(5)(b)(xiv)(A) by being convicted of a felony;

- b. Respondent violated Utah Code § 31A-23a-111(5)(b)(xiv)(B) by being convicted of a misdemeanor involving fraud, misrepresentation, theft, or dishonesty;
 - c. Respondent violated Utah Code § 31A-23a-107(2)(a)(ii) by failing to meet the trustworthy character requirement;
 - d. Respondent violated Utah Code § 31A-23a-111(5)(b)(i) by being unqualified for a license under Utah Code § 31A-23a-104, 105, or 107;
 - e. Respondent violated 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.
 - f. Respondent violated 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 felony conviction, and 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 3rd day of June, 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:

Gregory Jay Earls
[REDACTED]

and

Randy Overstreet
Utah Insurance Department
[REDACTED]

DATED this 3rd day of June, 2022.

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