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**BEFORE THE UTAH INSURANCE COMMISSIONER**

<p>UTAH INSURANCE DEPARTMENT,  Complainant,  vs.  ALICE E. RAY,  Respondent.</p>	<p>NOTICE OF AGENCY ACTION AND ORDER</p> <p>Docket No. 2022-4433</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 Alice E. Ray (“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 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 12<sup>th</sup> day of October, 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 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 Alice E. Ray (“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 September 23, 2022.

b. In her application, 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”. Respondent also answered “yes” to the question “have you ever been named or involved in an administrative proceeding regarding a professional or occupation license or registration.” Respondent provided written explanations regarding the “yes” responses on her application.

c. As part of the application process, the Department conducted a background check and identified outstanding monetary judgments entered against the Respondent which disqualify her from obtaining an insurance license in Utah.

d. On November 7, 2014, a monetary judgment was entered against Respondent in the amount of \$1,160. Based upon the court documents that I have reviewed, this judgement

remains outstanding. (See Ken Garff Nissan vs. Alice Ray, case # 148900234, Utah County, State of Utah).

f. On June 4, 2021, a monetary judgment was entered against Respondent in the amount of \$4,632.75. Based upon the court documents that I have reviewed, this judgement remains outstanding. (See Duke Capital LLC vs. Alice E. Ray, case # 219101206, 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-105(5)(a)(ii) by committing an act that is grounds for denial, suspension, or revocation as set forth in Section 31A-23a-111; and
- b. 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.

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 11th day of October 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:

Alice E. Ray  
[REDACTED]

and

Randy Overstreet  
Utah Insurance Department  
[REDACTED]

DATED this 12<sup>th</sup> day of October 2022.

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