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BEFORE THE UTAH INSURANCE COMMISSIONER

<p>UTAH INSURANCE DEPARTMENT, Complainant, vs. CIERRA JEAN SUTTON, Respondent.</p>	<p>NOTICE OF AGENCY ACTION AND ORDER Docket No. 2022-4442 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 Cierra Jean Sutton (“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 -7.

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 reinstatement of her Utah resident producer individual insurance license number 726830 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 31st 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

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 Cierra Jean Sutton (“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. On October 17, 2022, Respondent applied for reinstatement of her inactive Utah resident producer individual insurance license, license number 726830, which had lapsed on February 28, 2022, for failure to submit the license renewal fee.

b. On her application, Respondent answered “yes” to the question that asked whether she had been convicted of a misdemeanor, had a judgment withheld or deferred, or was she currently charged with committing a misdemeanor. As required by the application process, Respondent submitted a written statement and court documents regarding the retail theft misdemeanor charge filed against the Respondent.

c. On January 11, 2022, Respondent was charged with one count Retail Theft, a Class A Misdemeanor related to a retail theft at a Walmart store in Cache County on December 3, 2021.

d. On March 14, 2022, Respondent pled guilty to one count Retail Theft, amended to a Class B Misdemeanor, and entered into a plea in abeyance agreement. Respondent was ordered to pay a fee, ordered to successfully complete a moral recognition training class,

and placed on probation for a period of twelve months. On June 21, 2022, the plea in abeyance agreement was satisfied, probation was terminated, and the case was ordered closed (See State of Utah v. Cierra Jean Sutton, case # 221100055, Cache County, State of Utah).

e. Based on information contained in Department licensing and Utah Court documents, Respondent's surname is also known as Weaver. As part of the application process, the Department conducted a background check and identified an outstanding monetary judgment entered against the Respondent which disqualifies her from obtaining an insurance license in Utah.

f. On May 17, 2022, a monetary judgment was entered against Respondent in the amount of \$1,869.20. Based upon court documents that I have reviewed, this judgement remains outstanding. (See Forsythe Finance LLC vs. Cierra Waver, case # 229100484, Cache 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;
- b. Utah Code § 31A-23a-107(2)(a)(ii) by failing to meet the trustworthy character requirement;
- c. Utah Code § 31A-23a-111(5)(b)(i) by being unqualified for a license under Utah Code § 31A-23a-104, 105, or 107; and
- d. Utah Code § 31A-23a-111(5)(b)(iv) by failing to pay a final judgment rendered against Respondent 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 producer individual insurance license should be denied.

Signed on this 28th 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:

Cierra Jean Sutton
[REDACTED]

and

Randy Overstreet
Utah Insurance Department
[REDACTED]

DATED this 31st day of October, 2022.

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