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**BEFORE THE UTAH INSURANCE COMMISSIONER**

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| <p>UTAH INSURANCE DEPARTMENT,<br/><br/>Complainant,<br/><br/>vs.<br/><br/>TIMOTHY CHESTER EGGERS,<br/><br/>Respondent.</p> | <p style="text-align: center;">NOTICE OF AGENCY ACTION AND<br/>ORDER</p> <p>Docket No. 2023-4488</p> <p>Donald H. Hansen<br/>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 Timothy Chester Eggers (“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 a Utah resident producer individual insurance license is denied.
2. Pursuant to Utah Code § 63G-4-203(1)(i) and Utah Admin. Code R590-160-7(1), this informal adjudicative proceeding shall be 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.
4. The request for hearing shall be signed by the person making the request and shall state the basis for the relief requested.
5. 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 27<sup>th</sup> day of March, 2023.

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 Timothy Chester Eggers (“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 February 22, 2023, Respondent applied for a Utah resident producer individual insurance license.

b. On his application, Respondent answered “no” to the background question that asked, “Have you ever been convicted of a misdemeanor, had a judgment withheld or deferred, or are you currently charged with committing a misdemeanor?”.

c. On January 27, 2023, Respondent was charged with Theft, a Class B Misdemeanor. On February 23, 2023, a warrant was issued for the Respondent’s arrest due to his failure to appear on citation, and a bail amount was set in the amount of \$1,500.00. (See State of Utah vs. Timothy Chester Eggers, case #231400031, Wasatch County Justice Court, Wasatch County, State of Utah.)

d. On his application, Respondent answered “yes” to the question that asked, “Do you have a child support obligation in arrearage?”. In his response, Respondent stated he was six (6) months in arrearage. However, court records indicate Respondent has been in

arrears for a minimum of eighteen (18) months.

e. On October 20, 2021, a child support lien was filed, and a monetary judgment was entered against the Respondent initially in the amount of \$1,908.00. On November 3, 2021, the judgment was amended, and a modified judgment was entered in the amount of \$2,544.00. Based upon court documents I have reviewed, this judgment remains outstanding with a modified judgment amount owing increased to \$9,917.93 as of March 1, 2023. (See Child Supp Services Office of Recovery Services vs Timothy Eggers, Case # 216500704, Fourth District Court-Heber Department, Wasatch County, State of Utah.)

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

g. On November 19, 2021, a monetary judgment was entered against Respondent in the amount of \$4,439.53. Based upon the court documents that I have reviewed, this judgement remains outstanding. (See Discover Bank vs. Timothy Eggers, Case # 210500084, Third District Court-Silver Summit Department, Summit County, State of Utah).

h. On April 10, 2022, a monetary judgment was entered against Respondent in the amount of \$964.16. Based upon the court documents that I have reviewed, this judgement remains outstanding. (See Midland Credit Management Inc. vs. Timothy Eggers, Cas # 229500034, Fourth District Court- Heber Department, Wasatch 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 Utah Code § 31A-23a-104(2)(b)(v), by failing to provide information in his application related to whether the Respondent has committed an act that is ground for denial, suspension, or revocation as set forth under Utah Code §§ 31A-23a-104, 105, or 111;
- b. Respondent violated Utah Code § 31A-23a-105(2)(b)(ii) by failing to report at the time of filing the license application a criminal prosecution taken against the Respondent;
- c. Respondent violated Utah Code § 31A-23a-111(5)(b)(ix), by providing information in the license application that is incorrect, misleading, incomplete, or materially untrue;
- d. Respondent violated Utah Code Utah Code § 31A-23a-111(5)(b)(xi) by obtaining or attempting to obtain a license through misrepresentation or fraud;
- e. Respondent violated 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;
- f. Respondent violated Utah Code § 31A-23a-107(2)(a)(ii) by failing to meet the trustworthy character requirement;
- g. 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;
- h. Respondent violated Utah Code § 31A-23a-111(5)(b)(xxi) by failing to comply with an administrative or court order imposing a child support obligation; and
- i. Respondent violated 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 24th day of March, 2023, 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

