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**BEFORE THE UTAH INSURANCE COMMISSIONER**

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<p>UTAH INSURANCE DEPARTMENT,  Complainant,  vs.  KATHERINE ALICIA WINDHORST,  Respondent.</p>	<p>NOTICE OF AGENCY ACTION AND ORDER</p> <p>Docket No. 2023-4489</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 Katherine Alicia Windhorst (“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., Taylorsville, UT 84129.

4. The request for hearing 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 is a failure to exhaust administrative remedies and precludes any further administrative or judicial review or appeal of this matter.

DATED this 28<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 jurisdiction 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 Katherine Alicia Windhorst (“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 March 9, 2023.

b. Respondent answered “yes” to the background question regarding ever having been convicted of a misdemeanor.

c. On or about May 26, 2021, Respondent was convicted of retail theft, a class B misdemeanor. She was placed on supervised probation for 364 days and ordered to pay a \$553.00 fine by April 26, 2022. *See American Fork City vs. Katherine Alicia Windhorst*, case no. 201100815, 4<sup>th</sup> District Court – American Fork, Utah County, State of Utah.

d. On August 18, 2022, the court entered a revised judgment against Respondent in the amount of \$721.10 and transferred the amount to the Utah State Office of Debt Collection. Based upon the court documents that I reviewed, this judgment remains outstanding. *See American Fork City vs. Katherine Alicia Windhorst*, case no. 201100815, 4<sup>th</sup> District Court – American Fork, 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-111(5)(b)(xiv)(B), convicted of a misdemeanor involving fraud, misrepresentation, theft, or dishonesty;
- b. Utah Code § 31A-23a-105(5)(a)(ii), committing an act that is grounds for denial, suspension, or revocation as set forth in Section 31A-23a-111;
- c. Utah Code § 31A-23a-107(2)(a)(ii), failing to meet the trustworthy character requirement;
- d. Utah Code § 31A-23a-111(5)(b)(i), unqualified for a license under Utah Code § 31A-23a-104, -105, or -107;
- e. Utah Code § 31A-23a-111(5)(b)(iv), failing to pay a final judgment rendered against Respondent within 60 days after the day on which the judgment became final; and
- f. Utah Admin. Code R590-281-4(1)(e), applying for a license prior to the end of the required period resulting from 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 producer individual insurance license should be denied.

Signed on this 27<sup>th</sup> 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

**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:

Katherine Alicia Windhorst

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████████████████

Randy Overstreet

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Utah Insurance Department  
4315 S. 2700 W., Suite 2300  
Taylorsville, UT 84129

and

Helen Frohlich

[hfrohlich@agutah.gov](mailto:hfrohlich@agutah.gov)

160 E. 300 S., 5th Floor  
P.O. Box 140874  
Salt Lake City, UT 84114-0874

DATED this 28<sup>th</sup> day of March, 2023.

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