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BEFORE THE UTAH INSURANCE COMMISSIONER

<p>UTAH INSURANCE DEPARTMENT, Complainant, vs. TAMARA L. HYATT, Respondent.</p>	<p>NOTICE OF AGENCY ACTION AND ORDER</p> <p>Docket No. 2023-4497</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 Tamara L. Hyatt (“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 shall forfeit to the Department the amount of \$500.00.
2. Pursuant to Utah Code § 63G-4-203(1)(i) and Utah Admin. Code R590-160-7(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.
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 10th day of April 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

NOTICE REGARDING ENFORCEMENT OF THE ORDER

Failure to obey this 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 may include license suspension, probation, refusal to renew, or revocation. Failure to obey this Order may also result in an action being 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 judgment is rendered. If you are licensed in other jurisdictions, you may be required to report this proceeding in those jurisdictions.

DECLARATION

Under criminal penalty of Utah law, I, Connie Nowland, declare the following:

1. I am currently employed as a Market Conduct Examiner 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 Informal Adjudicative Proceeding and Order against Tamara L. Hyatt (“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. The respondent is a Utah resident producer individual insurance licensee.

Respondent’s Utah license number is 506404.

b. On August 3, 2022, the Department received a complaint that alleged the Respondent, while working with a Utah Consumer (“consumer”) to transfer the consumer’s variable annuity to Bankers Life & Casualty Company, had forged the signature of the consumer on two (2) Bankers Life & Casualty “Authorization to Transfer Funds” forms.

c. Subsequent investigation by the Department determined that to transfer the consumer’s variable annuity from Lincoln Financial to Bankers Life & Casualty Company, an “Authorization to Transfer Funds” form needed to be completed. The Consumer signed the form on June 22, 2022. However, the form was incorrect as prepared by the Respondent because it listed Lincoln Financials’ post office address and not Lincoln Financials’ Street address on the top of the form. Respondent found it necessary to obtain the consumer’s signature on a corrected replacement form. Respondent stated she was having an issue with an online DocuSign

signature, so instead of asking the consumer for a new signature on the form, Respondent traced (forged) the consumer's name on the corrected replacement form, dated July 5, 2022, and submitted the form. Respondent then submitted the form a third time, making it appear that the form had the consumer's electronic DocuSign signature on it.

d. The consumer has confirmed that the traced signature on the second Bankers Life corrected form, and the electronic DocuSign signature on the third Bankers Life corrected form, both dated July 5, 2022, are not his signatures.

e. On July 22, 2022, a different agent with Bankers Life & Casualty Company submitted the corrected DocuSign authorization form to the insurer on the consumer's behalf.

f. Pursuant to Utah Code § 31a-23a-106 and Utah Administrative Rule R590-133-7, no producer is eligible to sell, offer for sale, or make a recommendation to purchase or terminate a variable contract unless licensed with the Department as a variable contract producer prior to making a solicitation, sale, or recommendation.

g. During the investigation into the allegations, the Department, through Connie Nowland, learned that Respondent was not licensed with the proper line of authority to work with variable contracts, prior to working with the consumer to transfer the consumer's variable annuity to Bankers Life & Casualty Company.

4. The above declared facts demonstrate that the following Utah insurance law(s) were not complied with:

a. Respondents violated Utah Code § 31A-23a-111(5)(b)(xviii), by forging another's name to an application for insurance or a document related to an insurance transaction;

b. 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;

c. Respondent violated Utah Code § 31A-23a-111(5)(b)(ii), by violating an insurance statute, or a rule that is valid under Subsection 31A-2-201(3), as outlined herein;

d. Respondent violated Utah Code § 31A-23a-111(5)(b)(xv) by having admitted or been found to have committed an insurance unfair trade practice or fraud;

e. Respondent violated Utah Code § 31A-23a-111(5)(b)(xvi), when in the conduct of business in this state or elsewhere used fraudulent, coercive, or dishonest practices; or demonstrated incompetence, untrustworthiness, or financial irresponsibility;

f. Respondent violated Utah Code § 31A-23a-111(5)(b)(xxiv), by engaging in a method or practice in the conduct of business that endangers the legitimate interests of customers and the public;

g. Respondent violated Utah Code § 31A-23a-107(2)(a)(ii) by failing to meet the trustworthy character requirement; and

h. Respondent violated Utah Code § 31a-23a-106, and Utah Administrative Rule R590-133-7, by failing to be licensed with the proper line of authority to work with variable contracts, prior to working with the consumer to transfer the consumer's variable annuity to Bankers Life & Casualty Company.

5. Based on Utah Code § 31A-2-308 and other similar enforcement cases, the proper forfeiture for the violations should be \$500.00.

DATED this 7th day of April 2023, at Salt Lake City, Salt Lake County, Utah.

/s/ Connie Nowland

Connie Nowland, Market Conduct Examiner
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:

Tamara L. Hyatt

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██████████
██████████████████

and

Connie Nowland
Utah Insurance Department

██████████.

DATED this 10th day of April 2023.

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