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BEFORE THE UTAH INSURANCE COMMISSIONER

UTAH INSURANCE DEPARTMENT, Complainant, vs. DAKESIA HARRIS, Respondent.	NOTICE OF AGENCY ACTION AND ORDER Docket No. 2023-4508 Donald H. Hansen Administrative Law Judge/Presiding Officer
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NOTICE OF AGENCY ACTION

The Utah Insurance Department (“the Department”) commences this agency action as an informal adjudicative proceeding against Dakesia Harris (“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 non-resident producer individual insurance license number 811171 is revoked.

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 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 22th day of May 2023.

JONATHAN T. PIKE
Utah Insurance Commissioner

/s/ Donald H. Hansen
Donald H. Hansen
Administrative Law Judge/Presiding Officer
Utah Insurance Department
4315 South 2700 West, Suite 2300
Taylorsville, UT 84129
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, Carrie Backus, 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 Dakesia Harris (“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 non-resident producer individual insurance licensee domiciled in Florida., Utah license number is 811171.

b. On November 1, 2020, Respondent submitted her application for a non-resident producer individual insurance license.

c. On her application, the Respondent answered “No” to the question “Have you ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony?”

d. As a result of the information submitted by the Respondent in her application, Respondent’s application for a Utah non-resident producer individual insurance license was approved and Respondent obtained Utah license number is 811171.

e. On January 17, 2023, the Department received notice from the National Association of Insurance Commissioners (NAIC) that an administrative action had been taken against the Respondent by the State of Florida, Respondent’s resident state, resulting from a criminal

conviction filed in the Fourth Judicial Circuit Court in the State of Florida.

f. On November 4, 2020, just three (3) days after submitting her application for her Utah license, the Respondent plead guilty to one (1) count of aggravated assault and was placed on probation for a period of twelve (12) months. (See State of Florida v Dakesia Riana Harris, Case # 16-2020-CF-002563-AXXX-MA, DC Number B90935/Div-C, Fourth Judicial Circuit Court, Duval County, State of Florida). Respondent failed to report the criminal charges on her application.

g. To date, the Respondent has failed to report her criminal conviction to the Department as required by Utah Code § 31A-23a-105(2)(b)(ii).

h. Due to the seriousness of the crime, Florida, Respondent's home state, revoked Respondent's resident producer license, effective December 12, 2022.

i. As a result of the Respondent's criminal conviction and subsequent revocation of Respondent's Florida license, the State of Idaho revoked the Respondent's Idaho non-resident producer license on January 23, 2023, and South Carolina revoked the Respondent's South Carolina non-resident producer license on February 27, 2023. Respondent failed to report any of the agency actions and subsequent revocations to the Department as required by Utah Code §31A-23a-111(7)(a).

j. Respondent was able to secure a new home state producer license in Connecticut on February 27, 2023.

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

a. Respondent violated Utah Code § 31A-2-202(6), by failing to provide information submitted to the commissioner that is accurate and complete;

b. Respondent violated Utah Code Utah Code § 31A-23a-104(2)(b)(v), by failing to provide information in her 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;

c. Respondent violated Utah Code § 31A-23a-105(2)(b)(i) by failing to report to the commissioner an administrative action taken against the person, including a denial of a new or renewal application in another jurisdiction, within 30 days of the final disposition of the administrative action;

d. 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;

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)(xvii), by having had an insurance license or other professional or occupational license, or an equivalent to an insurance license or registration or other professional or occupational license or registration denied, suspended, revoked, or surrendered to resolve an administrative action;

i. 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;

j. 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;

k. Respondent violated Utah Code § 31A-23a-111(5)(b)(xiv)(A) by being convicted of a felony;

l. Respondent violated Utah Code § 31A-23a-111(7)(a) by failing to immediately report to the commissioner a revocation, suspension, or limitation of the Respondent's license in another state, the District of Columbia, or a territory of the United States;

m. Respondent violated Utah Code § 31A-23a-111(5)(b)(xi) by obtaining or attempting to obtain a license through misrepresentation or fraud; and

n. Respondent violated Utah Code § 31A-23a-111(5)(b)(x), by violating an insurance law, valid rule, or valid order of another regulatory agency in any jurisdiction.

5. Based on Utah Code § 31A-2-308 and other similar enforcement cases, the Respondent's insurance license should be revoked.

DATED this 16th day of May 2023, at Salt Lake City, Salt Lake County, Utah.

/s/ Carrie Backus
Carrie Backus, 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 sent to:

Dakesia Harris
[REDACTED]
[REDACTED]
[REDACTED]

and

Carrie Backus
Utah Insurance Department
4315 S. 2700 W., Suite 2300
Taylorsville, UT 84129
cbackus@utah.gov

DATED this 22th day of May 2023.

/s/ Tatiana Karaivanova
Tatiana Karaivanova
Utah Insurance Department
4315 South 2700 West, Suite 2300
Taylorsville, UT 84129
801-957-9218