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**BEFORE THE UTAH INSURANCE COMMISSIONER**

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| UTAH INSURANCE DEPARTMENT,<br><br>Complainant,<br><br>vs.<br><br>DELRIC DAMON ELLINGTON,<br><br>Respondent. | NOTICE OF AGENCY ACTION AND<br>ORDER<br><br>Docket No. 2023-4509<br><br>Donald H. Hansen<br>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 Respondent Delric Damon Ellington (“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 to renew his 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 9<sup>th</sup> 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 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 Delric Damon Ellington (“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 holds Utah resident producer individual license number 841253, issued on April 8, 2021.
- b. Respondent applied to renew his Utah resident producer individual insurance license on April 26, 2023.
- c. Respondent answered “yes” to the question that asked whether he had an outstanding child support obligation in arrearage which had not been previously reported to the Department and indicated that he was 10 months in arrearage.
- d. On January 25, 2023, a paperless child support lien was filed and a monetary judgment entered against Respondent. As of April 5, 2023, the modified judgment amount was \$15,272.01. Based upon the court documents that I have reviewed, this judgment remains outstanding.
- e. On or about June 20, 2022, a paperless tax lien was filed and a monetary judgment entered against Respondent for income tax due from tax year 2016 in the amount of \$2,088.30. Based upon the court documents that I reviewed, this judgment remains

outstanding. *See* Utah State Tax Commission vs. Delric D. Ellington, case no. 226916691, Third District Court – Salt Lake, Salt Lake County, State of Utah.

f. On or about June 20, 2022, a paperless tax lien was filed and a monetary judgment entered against Respondent for income tax due from tax year 2017 in the amount of \$2,096.34. Based upon the court documents that I reviewed, this judgment remains outstanding. *See* Utah State Tax Commission vs. Delric D. Ellington, case no. 226916257, Third District Court – Salt Lake, Salt Lake County, State of Utah.

g. On or about June 20, 2022, a paperless tax lien was filed and a monetary judgment entered against Respondent for income tax due from tax year 2018 in the amount of \$1,143.49. Based upon the court documents that I reviewed, this judgment remains outstanding. *See* Utah State Tax Commission vs. Delric D. Ellington, case no. 226917110, Third District Court – Salt Lake, Salt Lake County, State of Utah.

h. On or about June 20, 2022, a paperless tax lien was filed and a monetary judgment entered against Respondent for income tax due from tax year 2019 in the amount of \$2,010.15. Based upon the court documents that I reviewed, this judgment remains outstanding. *See* Utah State Tax Commission vs. Delric D. Ellington, case no. 226917140, Third District Court – Salt Lake, Salt Lake 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)(xxi), failing to comply with an administrative or court order imposing a child support obligation;
- b. Utah Code § 31A-23a-111(5)(b)(xxii), failing to pay state income tax, or to comply with an administrative or court order directing payment of state income tax;

- c. 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
  - d. Utah Code § 31A-23a-111(5)(b)(ii), violating an insurance statute.
5. Based on the facts and law set forth above, Respondent's application to renew his resident producer individual insurance license should be denied.

Signed on this 8<sup>th</sup> day of May 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:

Delric Ellington  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Randy Overstreet  
[REDACTED]

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 9<sup>th</sup> day of May, 2023.

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

