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BEFORE THE UTAH INSURANCE COMMISSIONER

UTAH INSURANCE DEPARTMENT, Complainant, vs. CHEYENNA DAWN BRULE, Respondent.	AMENDED DECLARATION Docket No. 2023-4510 Donald H. Hansen Administrative Law Judge/Presiding Officer
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The Utah Insurance Department (“the Department”) hereby files this Amended Declaration of Randy Overstreet in the above-entitled matter. The agency action filed on May 11, 2023, is based on the facts and law set forth in the attached Amended Declaration as follows.

AMENDED 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 Amended Declaration as the basis for issuing the Notice of Agency Action and Order against Cheyenna Dawn Brule (“Respondent”) filed on May 11, 2023.

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 31, 2023.

b. In her application, Respondent answered "yes" to the 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" and answered "no" to the question that asked "have you ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony".

c. On June 13, 2008, Respondent was charged with one (1) count of Aggravated Robbery, a First-Degree felony. On June 26, 2008, the case was transferred from the Third District Court - Salt Lake Department to the Third District Court-West Jordan Department. On December 11, 2008, Respondent pled guilty to and was convicted of an amended count of Attempted Theft, a Third-Degree Felony. On June 8, 2016, the charge was amended through a 402 reduction to a Class A Misdemeanor. (See South Salt Lake vs. Cheyenna Contrys, Case # 081904530, Third District Court, Salt Lake County, State of Utah; and State of Utah vs. Cheyenna Contrys, Case #081401536, Third District Court-West Jordan Department, Salt Lake County, State of Utah).

d. Even though her conviction was subsequently reduced to Class A Misdemeanor, Under Utah Code § 31A-23a-111(5)(b)(xxv) and 18 U.S.C. § 1033(e)(2), Respondent's conviction qualifies as a felony conviction involving dishonesty or breach of trust, requiring the Respondent to obtain written consent from the Commissioner to engage or participate in the business of insurance. Pursuant to R590-281-4(4)(c)(i), an application for written consent is required even if a felony conviction involving dishonesty or breach of trust has been reduced to a lower degree of

offense pursuant to Section 76-3-402. Respondent failed to submit the written consent of the Commissioner to engage in the business of insurance in Utah at the time she filed her application, which disqualified her from obtaining an insurance license in Utah.

e. On May 11, 2023, the Department filed a Notice of Agency Action and Order against Respondent denying her application for a Utah resident producer individual insurance license.

f. On May 11, 2023, Respondent filed a request for hearing asking to appeal the Department's decision to deny her license application.

g. On May 19, 2023, pursuant to notice, a telephonic prehearing conference was conducted in the above-entitled matter. The Department's counsel explained the applicable law and rules to the Respondent, including the need for her to secure approval of the Insurance Commissioner under 18 U.S.C. Sec. 1033 because of her criminal history as a precondition to seeking licensure by the department. Respondent stated her intention to file a request for such approval with the Commissioner, and the Presiding Officer stayed the proceeding to allow Respondent time to file her request with the Commissioner.

h. On June 2, 2023, together with the 18 U.S.C. § 1033 Advisory Committee, the Commissioner approved Respondent's request to engage in the business of Insurance pursuant to 18 U.S.C.1033.

i. However, during the Advisory Committee background process, it was found that Respondent has several outstanding judgments that have not been satisfied in violation of Utah Code § 31A-23-111(5)(b)(iv).

j. On July 10, 2008, a monetary judgment was entered against the Respondent and [REDACTED] in the amount of \$3,445.66. Based upon the court documents that I reviewed, this judgment remains outstanding. (See Driftwood Park Apartments vs. [REDACTED] et

al., Case # 080411304, Third District Court-West Jordan Department, Salt Lake County, State of Utah).

k. On February 5, 2009, a monetary judgment was entered against Respondent and [REDACTED] in the amount of \$1,852.88. Based upon the court documents that I reviewed, this judgment remains outstanding. (*See Oakstone Apartments vs. [REDACTED] et al.*, Case # 090600345, Second District Court-Layton Department, Davis County, State of Utah).

l. On February 14, 2012, a monetary judgment was entered against Respondent in the amount of \$584.16. Based upon the court documents that I reviewed, this judgment remains outstanding. (*See Liberty Acquisitions Servicing vs. Cheyenna Contrys*, Case # 119909109, Third District Court, Salt Lake 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 § 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;

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

c. 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;

d. Utah Code § 31A-23a-111(5)(b)(i), by being unqualified for a license under Utah Code § 31A-23a-104, 105, or 107; and

e. Respondent violated Utah Code § 31A-23a-111(5)(b)(ii), by violating an insurance statute, a rule that is valid under Subsection 31A-2-201(3), or order that is valid under Subsection 31A-2-201(4) as outlined herein;

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 27th day of June 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
Amended Declaration of Randy Overstreet, was emailed to:

Cheyenne Dawn Brule


and

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


DATED this 27th day of June 2023.

/s/ Shelley A. Coudreaut
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