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BEFORE THE UTAH INSURANCE COMMISSIONER

UTAH INSURANCE DEPARTMENT, Complainant, vs. CHEYENNA DAWN BRULE, Respondent.	NOTICE OF AGENCY ACTION AND ORDER Docket No. 2023-4510 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 Respondent Cheyenna Dawn Brule (“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 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 11th 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

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 being taken against you in a court of competent 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 Cheyenna Dawn Brule (“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 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 disqualifies her from obtaining an insurance license in 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) authorizes the Commissioner to act in compliance with the Violent Crime Control and Law Enforcement Act of 1994, 18 U.S.C. §1033. Having been convicted of a felony involving dishonesty or breach of trust and having failed to obtain from the Commissioner the required written consent to engage or participate in the business of insurance, Respondent is prohibited from engaging in the business of insurance pursuant to Utah Code § 31A-23a-111(5)(b)(xxv) and 18 U.S.C. § 1033(e)(2);

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. 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;

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

f. Respondent violated Utah Administrative Rule R590-281-4(4)(a)(i), by applying for a license without first obtaining 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.

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 9th 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:

Cheyenne Dawn Brule
[REDACTED]
[REDACTED]
[REDACTED]

and

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

DATED this 11th day of May 2023.

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