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**BEFORE THE UTAH INSURANCE COMMISSIONER**

UTAH INSURANCE DEPARTMENT,  Complainant,  vs.  SHERRY L. BIVEN,  Respondent.	NOTICE OF AGENCY ACTION AND ORDER  Docket No. 2023-4517  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 Sherry L. Biven (“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](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 25<sup>th</sup> day of May, 2023.

JONATHAN T. PIKE  
Utah Insurance Commissioner

*/s/ Donald H. Hansen*

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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 Sherry L. Biven (“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 May 7, 2023.

b. Respondent answered “yes” to the question that asked whether she had been notified by any jurisdiction to which she was applying of any delinquent tax obligation that was not the subject of a repayment agreement.

c. In conjunction with her license application, Respondent submitted a letter dated January 7, 2023, from GC Services Limited Partnership, an authorized agent of the Utah State Tax Commission. The letter identified outstanding taxes owed by Respondent in the amount of \$9,119.27.

d. On or about August 16, 2021, a paperless tax lien was filed and a monetary judgment entered against Respondent for income tax due from tax year 2020 in the amount of \$3,028.74. Based upon the court documents that I reviewed, this judgment remains outstanding. *See* Utah State Tax Commission vs. Sherry L. Biven, case no. 216925072, Third District Court – Salt Lake, Salt Lake County, State of Utah.

- e. On or about October 18, 2021, 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 \$2,441.75. Based upon the court documents that I reviewed, this judgment remains outstanding. *See* Utah State Tax Commission vs. Sherry L. Biven, case no. 216937383, Third District Court – Salt Lake, Salt Lake County, State of Utah.
- f. On or about October 18, 2021, 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 \$3,300.24. Based upon the court documents that I reviewed, this judgment remains outstanding. *See* Utah State Tax Commission vs. Sherry L. Biven, case no. 216937027, 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)(xxii), failing to pay state income tax, or to comply with an administrative or court order directing payment of state income tax;
  - b. 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
  - c. 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 for a resident producer individual insurance license should be denied.

Signed on this 25<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:

Sherry L. Biven  
[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 25<sup>th</sup> day of May, 2023.

*/s/ Tatiana Karaivanova*

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Tatiana Karaivanova  
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Taylorsville, UT 84129  
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