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BEFORE THE UTAH INSURANCE COMMISSIONER

UTAH INSURANCE DEPARTMENT, Complainant, vs. TRISTA MARIE BARKER, Respondent.	NOTICE OF AGENCY ACTION AND ORDER Docket No. 2023-4536 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 Trista Marie Barker aka Trista Taylor (“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 limited line 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., 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 31st day of July, 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 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 Trista Marie Barker aka Trista Taylor (“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 limited line producer individual insurance license on June 26, 2023.
- b. Respondent answered “yes” to the question that asked whether she had been convicted of a misdemeanor and “yes” to the question that asked whether she had ever been convicted of a felony.
- c. On or about March 30, 2016, Respondent entered a plea in abeyance to burglary, a 2nd degree felony; theft, a class B misdemeanor; and criminal mischief – intentional damage, deface, destroy property, a class B misdemeanor. Respondent’s plea in abeyance was revoked and guilty pleas were entered on September 21, 2016. On October 18, 2018, Respondent’s probation was terminated unsuccessfully, a judgment was entered against Respondent in the amount of \$1,461.21, and the case was closed. *See State of Utah vs. Trista Marie Taylor*, case no. 161100078, First District Court – Box Elder, Box Elder County, State of Utah.

d. On or about March 30, 2016, Respondent entered a plea in abeyance to endangerment of child or elder adult, a 3rd degree felony. On September 21, 2016, Respondent's plea in abeyance was revoked and her guilty plea was entered. On October 18, 2018, Respondent's probation was terminated unsuccessfully, and the case was closed. *See State of Utah vs. Trista Marie Taylor*, case no. 161100092, First District Court – Box Elder, Box Elder County, State of Utah.

e. On or about February 27, 2017, Respondent was convicted of two counts of attempted distribute/offer/arrange distribution of controlled substance, a 3rd degree felony. On November 20, 2018, Respondent's probation was terminated unsuccessfully and the case was closed. *See State of Utah vs. Trista Marie Taylor*, case no. 171100001, First District Court – Box Elder, Box Elder County, State of Utah.

f. On or about February 3, 2020, Respondent was convicted of attempted possession or use of a controlled substance, a class A misdemeanor; criminal trespass, a class A misdemeanor; and unauthorized control for extended time, a class A misdemeanor. On March 12, 2021, the case was closed. *See State of Utah vs. Trista Marie Taylor*, case no. 191100467, First District Court – Box Elder, Box Elder County, State of Utah.

g. On or about April 13, 2023, a monetary judgment was entered against Respondent in the amount of \$5,767.44. Based upon the court documents I reviewed, this judgment remains outstanding. *See Bonneville Billing and Collect vs. Byron J. Barker and Trista Barker*, case no. 23910094, First District Court – Box Elder, Box Elder 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) 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. Utah Code § 31A-23a-111(5)(b)(xiv)(A), convicted of a felony;
- c. Utah Code § 31A-23a-105(5)(a)(ii), committing an act that is grounds for denial, suspension, or revocation as set forth in § 31A-23a-111;
- d. Utah Code § 31A-23a-107(2)(a)(ii), failing to meet the trustworthy character requirement;
- e. Utah Code § 31A-23a-111(5)(b)(i), unqualified for a license under Utah Code § 31A-23a-104, 105, or 107;
- f. 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;
- g. Utah Admin. Code R590-281-4(1)(e), applying for a license prior to the end of the required time period resulting from Respondent's felony convictions; and
- h. Utah Admin. Code R590-281-4(4)(a)(i), applying for a license without first obtaining written consent from the Commissioner to engage or participate in the business of insurance.

5. Based on the facts and law set forth above, Respondent's application for a resident producer limited line individual insurance license should be denied.

Signed on this 26th day of July 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:

Trista Marie Barker
[REDACTED]
[REDACTED]
[REDACTED]

Randy Overstreet
[REDACTED]

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

and

Helen Frohlich
hfrohlich@agutah.gov
160 E. 300 S., 5th Floor
P.O. Box 140874
Salt Lake City, UT 84114-0874

DATED this 31st day of July, 2023.

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