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BEFORE THE UTAH INSURANCE COMMISSIONER

UTAH INSURANCE DEPARTMENT, Complainant, vs. TARYN BRANHAM, Respondent.	NOTICE OF AGENCY ACTION AND ORDER Docket No. 2023-4542 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 Taryn Branham (“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 20th day of September 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 Taryn Branham (“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. On August 18, 2023, Respondent applied for a Utah resident producer individual insurance license.

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”.

c. On November 12, 2019, Respondent was convicted of Theft, a Class B Misdemeanor. On November 26, 2019, Respondent was placed on supervised probation for 18 months. On September 20, 2022, Respondent’s probation was terminated successfully, and the case was closed. (See State of Utah vs. Taryn Branham, Case no. 191701350, Second District Court-Farmington Department, Davis County, State of Utah).

d. On April 17, 2019, Respondent was convicted of Criminal Trespass, a Class A Misdemeanor. On May 15, 2019, Respondent was placed on supervised probation for 24 months. On August 26, 2020, Respondent’s probation was terminated unsuccessfully, and the case was

closed. (See State of Utah vs. Taryn Branham, Case no. 181902018, Second District Court-Ogden Department, Weber County, State of Utah).

e. Pursuant to Admin. Code R590-281-4(1), because of Respondent's criminal convictions involving fraud, misrepresentation, theft, or dishonesty, Respondent is not eligible to apply for a Utah insurance license until five (5) years have elapsed from the date she was released from probation in the case of her Misdemeanor A conviction, and four (4) years have elapsed from the date she was released from probation in the case of her Misdemeanor B conviction. As a result, Respondent is not eligible to apply until after September 20, 2026.

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)(xiv)(B), by being convicted of a misdemeanor involving fraud, misrepresentation, theft, or dishonesty;

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

e. Respondent violated Utah Administrative Rule R590-281-4(1)(e), by applying for a license prior to the end of the required time period resulting from Respondent's misdemeanor convictions involving fraud, misrepresentation, theft, or dishonesty.

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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 15th day of September 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:

Taryn Branham
[REDACTED]
[REDACTED]
[REDACTED]

and

Randy Overstreet
[REDACTED]

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

DATED this 20th day of September 2023.

/s/ Jeanine Couser

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