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BEFORE THE UTAH INSURANCE COMMISSIONER

UTAH INSURANCE DEPARTMENT, Complainant, vs. TYLER BRETT CHATWIN, Respondent.	NOTICE OF AGENCY ACTION AND ORDER Docket No. 2023-4545 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 Tyler Brett Chatwin (“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 21st 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 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 Tyler Brett Chatwin (“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 August 21, 2023.

b. Respondent answered “no” to the question that asked whether he had ever been convicted of a misdemeanor.

c. On or about November 26, 2018, Respondent was convicted of retail theft, a class B misdemeanor and was placed on supervised probation for 12 months. *See Spanish Fork City vs. Tyler Brett Chatwin*, case no. 181301289, Fourth District Court – Spanish Fork, Utah County, State of Utah.

d. The case was closed on September 2, 2020. Under Utah Admin. Code R591-281-4(1)(e)(ii), Respondent is ineligible to apply for an insurance license for 4 years.

4. The above declared facts demonstrate that the following Utah insurance laws were not complied with:

a. Utah Code § 31A-23a-111(5)(b)(xiv), convicted of a misdemeanor involving fraud, misrepresentation, theft, or dishonesty;

- b. Utah Code § 31A-23a-105(2)(b)(ii), failing to report at the time of filing the license application a criminal prosecution taken against the respondent;
- c. Utah Code § 31A-23a-111(5)(b)(ix), providing incorrect, misleading, or materially untrue information in the license application by answering “no” to the background question regarding whether he had ever been convicted of a misdemeanor
- d. Utah Code § 31A-23a-111(5)(b)(xi), attempting to obtain a license through misrepresentation or fraud;
- e. Utah Code § 31A-23a-104(2)(b)(v), failing to provide information in his application related to whether the Respondent has committed an act that is grounds for denial, suspension, or revocation as set forth under Utah Code §§ 31A-23a-104, 105, or 111;
- f. Utah Code § 31A-23a-105(5)(a)(ii), committing an act that is grounds for denial, suspension, or revocation as set forth in Section 31A-23a-111;
- g. Utah Code § 31A-23a-107(2)(a)(ii), failing to meet the trustworthy character requirement;
- h. Utah Code § 31A-23a-111(5)(b)(i), unqualified for a license under Utah Code § 31A-23a-104, -105, or -107;
- i. Utah Code § 31A-23a-111(5)(b)(ii)(A), violating an insurance statute; and
- j. 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 misdemeanor conviction involving fraud, misrepresentation, theft, or dishonesty.

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

Signed on this 21st 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:

Tyler Brett Chatwin
[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 21st day of September 2023.

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