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**BEFORE THE INSURANCE COMMISSIONER
OF THE STATE OF UTAH**

COMPLAINANT:	:	STIPULATION
	:	&
UTAH INSURANCE DEPARTMENT	:	ORDER
	:	
RESPONDENT:	:	Docket No. <u>2009-095-PC</u>
	:	
MARK MOYLE	:	
1880 Wasatch Drive	:	Enf. Case No. <u>2320</u>
Salt Lake City, UT 84108	:	
License No. 211203	:	

STIPULATION

1. Respondent, Mark Moyle, is a bail bond agent in the State of Utah, License No. 211203.
2. Respondent stipulates with the Complainant, Utah Insurance Department, as follows:
 - a. If a hearing were held, witnesses called by the Complainant could offer and introduce evidence that would support the Findings of Fact herein;
 - b. Respondent admits the Findings of Fact and Conclusions made therefrom;
 - c. Respondent stipulates to the summary entry of the Order herein which shall be in lieu of other administrative proceedings by Complainant in this matter; and

d. Respondent and Complainant have negotiated the terms of the Order entered herein and Respondent agrees to its entry and further agrees to be bound by all its terms.

3. Respondent is aware of his right to a hearing at which he may be represented by counsel, present evidence and cross-examine witnesses. Respondent has irrevocably waived his right to such hearing and to any appeal related thereto.

4. Respondent admits the jurisdiction of the State of Utah Insurance Commissioner as to all matters herein.

5. Respondent is acting herein free from any duress or coercion of any kind or nature, having been advised fully as to his rights set forth herein.

6. Respondent acknowledges that the issuance of this Order by the Commissioner is solely for the purpose of disposition of the matter entitled herein.

DATED this 25th day of August, 2009.


MARK MOYLE


UTAH INSURANCE DEPARTMENT
M. Gale Lemmon, Assistant Attorney General

Based upon the foregoing Stipulation and information in the file, the Presiding Officer makes the following Findings of Fact:

FINDINGS OF FACT

1. Respondent was a bail bond agent for Home Town Bail Bonds and Around the Clock Bail Bonds, two bail bond surety companies that were, at times pertinent herein, licensed to transact bail bond surety business in the State of Utah.

2. During the period of at least June through September 2008, on at least three occasions, Respondent participated in a scheme in which “powers of attorney” from the underwriter, American Surety Company, were photocopied and used to issue more than one bail bond. The duplicate bonds were not reported to the underwriter and the premiums from the use of the duplicate powers of attorney were retained by Home Town Bail Bonds and/or Around the Clock Bail Bonds, causing the underwriter to lose premiums due to it for those bonds.

Based upon the foregoing Stipulation and Findings of Fact, the Presiding Officer enters the following Conclusions of Law:

CONCLUSIONS OF LAW

1. In creating and using duplicate powers of attorney to issue bail bonds, the Respondent violated Utah Code Annotated § 31A-23a-402(1)(a)(i), by making or causing to be made communications containing false or misleading information in connection with a contract of insurance.

2. In failing to assure that premiums collected due to the underwriter were paid to the underwriter, Respondent violated Utah Code Annotated § 31A-23a-409(1).

3. In participating in a scheme to deprive an underwriter of the premiums due to it,

Respondent demonstrated that he does not meet the character requirements to hold an agent's license under Utah Code Annotated § 31A-23a-107(2) of being competent and trustworthy.

4. Respondent's bail bond agent's license should be revoked pursuant to Utah Code Annotated § 31A-23a-111(5)(b)(i), is unqualified for a license; -111(5)(b)(ii)(A), has violated an insurance statute; -111(5)(b)(xii), improperly withholds, misappropriates, or converts any monies or properties received in the course of doing insurance business; -111(5)(b)(xv), admits or is found to have committed an insurance unfair trade practice or fraud; -111(5)(b)(xvi), in the conduct of business in this state or elsewhere: (A) uses fraudulent, coercive, or dishonest practices; or (B) demonstrated incompetence, untrustworthiness, or financial irresponsibility; and -111(5)(b)(xxiv) engages in a method or practice in the conduct of business that endangers the legitimate interests of customers and the public.

Based upon the foregoing Stipulation, Findings of Fact and Conclusions of Law, the Presiding Officer herewith enters the following Order:

ORDER

IT IS HEREBY ORDERED:

1. Respondent's bail bond agent's license is revoked forthwith for a period of three years, during which period Respondent may not apply for a license without the specific written permission of the commissioner.
2. Respondent shall immediately cease doing business as a bail bond agent in the State of Utah.
3. During the period of suspension, Respondent shall not be an owner, either directly or indirectly, or an officer, director, agent or employee of any entity doing an insurance business in the State of Utah.

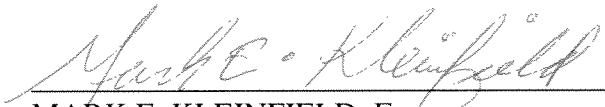
NOTIFICATION

Respondent is hereby notified that failure to abide by the terms of this Order may subject you to further penalties, including additional forfeitures of up to \$5,000.00 per violation and the filing of an action to enforce this Order in the District Court, which may impose penalties of up to \$10,000.00 per day for continued violation.

You are further notified that other jurisdictions in which you may be licensed may require that you report this action to them.

DATED this 25 day of August, 2009.

D. KENT MICHIE
INSURANCE COMMISSIONER



MARK E. KLEINFELD, Esq.

Administrative Law Judge
Utah Insurance Department
State Office Building, Room 3110
Salt Lake City, Utah 84114
Telephone (801) 538-3800

CERTIFICATE OF DELIVERY

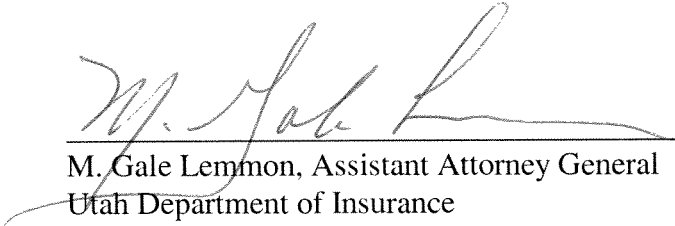
I do hereby certify that on this date I hand delivered, a true and correct copy of the attached:

STIPULATION
&
ORDER

To the following:

Mark Moyle
at the offices of the Utah Insurance Department

DATED this 25th day of August, 2009.


M. Gale Lemmon, Assistant Attorney General
Utah Department of Insurance
State Office Building, Room 3110
Salt Lake City, UT 84114-6901
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