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## BEFORE THE INSURANCE COMMISSIONER OF THE STATE OF UTAH

<b>COMPLAINANT:</b>	:	<b>NOTICE OF INFORMAL ADJUDICATIVE PROCEEDING AND ORDER</b>
UTAH INSURANCE DEPARTMENT	:	
<b>RESPONDENT:</b>	:	<b>Docket No. <u>2009-158 LC</u></b>
CHRISTOPHER THOMAS FAIRCLOUGH	:	
579 E. Calnette Dr.	:	Enf. Case No. <u>2432</u>
Sandy, UT 84070	:	
License No. 261452	:	

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The Utah Insurance Department has commenced this informal adjudicative proceeding pursuant to Utah Code Annotated §§ 31A-2-201 and 63G-4-201 and Utah Administrative Code Rule R590-160. Based upon information contained in agency files or known to the Commissioner, the Commissioner makes the following:

### FINDINGS OF FACT

1. Respondent is an insurance agent authorized to do the business of insurance in the State of Utah holding License number 261452.
2. Respondent submitted an application for an insurance agent's license on April 1, 2009. In his application, Respondent answered "Yes" to the question "Have you ever been convicted of ... a crime...?"

3. Respondent had previously submitted applications to the department for a limited line license for credit on July 12, 2007 and for a limited line license for motor club on April 29, 2008. On each of these applications Respondent answered “No” to the criminal history question.

4. At the time of the submission of his limited lines applications, Respondent knew that he had been convicted on January 27, 1989, of theft by deception, consumption of alcohol by a minor and drinking alcohol in a vehicle, all class B misdemeanors; on March 2, 1989, of burglary of a vehicle, a class A misdemeanor; on April 10, 1980, of theft, a class A misdemeanor; and on September 16, 2003, of simple assault and damaging/interrupting a communication device, both class B misdemeanors.

Having entered his Findings of Fact, the Commissioner now enters his:

#### **CONCLUSION OF LAW**

1. In submitting false information on license applications by stating he had not been convicted of a crime when he had seven (7) convictions, Respondent violated Utah Code Annotated § 31A-23a-105(2) and 31A-2-202(6).

2. In providing false information on his license application, Respondent brings into question his qualification to hold an insurance agent’s license under Utah Code Annotated § 31A-23a-107(2) as being competent and trustworthy.

3. In violating insurance statutes, Respondent is subject to imposition of forfeitures of up to \$5,000.00 per violation under Utah Code Annotated § 31A-2-308, and is subject to the revocation or suspension of his license under Utah Code Annotated § 31A-23a-111(5)(b), and having his license placed on probation under Utah Code Annotated § 31A-23a-112.

Based upon the foregoing Findings of Fact and Conclusions of Law, the Commissioner now enters the following:

**ORDER**

**IT IS HEREBY ORDERED:**

1. Respondent is assessed an administrative forfeiture in the amount of \$500.00, to be paid within 10 days of the date this Order becomes final.
2. Respondent's license is placed on probation for a period of 24 months from the date this Order becomes final. The terms of probation are:
  - a. Respondent shall pay the administrative forfeiture assessed herein in a timely manner;
  - b. Respondent shall have no further violations of the Utah Insurance Code or Rules or of any order of the commissioner; and
  - c. during the period of probation Respondent shall not commit any criminal acts, other than minor traffic violations.
3. This Order shall become final fifteen (15) days after the date of mailing unless a written request for a hearing is received from the Respondent in the offices of the department prior to that date. A written request for a hearing shall be signed by the person making the request and shall state the basis for the relief requested.

**NOTIFICATION**

If you request a hearing regarding this matter, the department will be represented by M. Gale Lemmon, Assistant Attorney General, State Office Building, Room 3110, Salt Lake City, Utah 84114, Telephone Number (801) 538-3800. Failure to request a hearing will be considered

a failure to exhaust administrative remedies and will preclude any further administrative or judicial review or appeal of this matter.

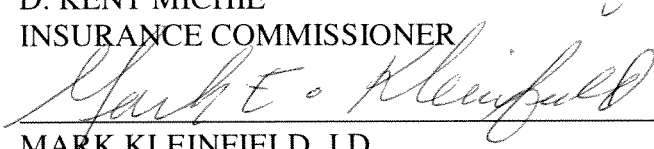
You are further notified that a failure to obey an Order of the commissioner may subject you to further penalties, including forfeitures of up to \$2,500.00 per violation and the suspension or revocation of your license and the filing of an action in District Court, which may impose forfeitures of up 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.

**Questions regarding this Adjudicative Proceeding should be directed to Connie Nowland, at the Utah Insurance Department, telephone number (801) 538-3040.**

DATED THIS 23<sup>rd</sup> day of November, 2009.

D. KENT MICHIE  
INSURANCE COMMISSIONER

  
MARK KLEINFELD, J.D.  
ADMINISTRATIVE LAW JUDGE  
Utah Insurance Department  
State Office Building, Room 3110  
Salt Lake City, Utah 84114  
Telephone (801) 538-3800

CERTIFICATE OF MAILING

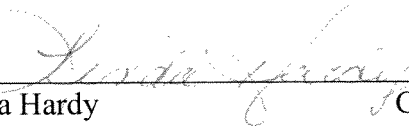
I do hereby certify that on this date I mailed, by regular mail, postage prepaid a true and correct copy of the attached:

NOTICE OF INFORMAL  
ADJUDICATIVE PROCEEDING  
AND ORDER

To the following:

Christopher Thomas Fairclough  
579 E. Calnette Dr.  
Sandy, UT 84070

DATED this 23<sup>rd</sup> day of November 2009.

  
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Linda Hardy Court Clerk  
Utah Department of Insurance  
State Office Building, Room 3110  
Salt Lake City, UT 84114-6901

**UTAH  
Invoice - Original**

Printed Date: November 23, 2009  
Invoice Date: November 23, 2009  
Balance Due: \$500.00  
Due Date: December 18, 2009  
Invoice ID: 438416  
Payor ID: 149445

FAIRCLOUGH CHRISTOPHER THOMAS  
579 E CALNETTE DR  
SANDY UT 84070

<b>Item Description</b>	<b>Amount</b>
11/23/2009 Monetary Penalty Individual E-Case 2432 Docket 2009-158 LC	\$500.00
<b>Original Amount Due</b>	<b>\$500.00</b>

**UTAH  
Invoice - Original**

Invoice Date: November 23, 2009  
Balance Due: \$500.00  
Due Date: December 18, 2009  
Invoice ID: 438416  
Payor ID: 149445  
Payor Name: FAIRCLOUGH,  
CHRISTOPHER  
THOMAS

Make checks payable to: Utah Insurance Department

Send payment to:

Utah Insurance Department  
3110 State Office Building  
Salt Lake City, UT 84114-6901