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

IN RE THE APPLICATION OF:	:	STIPULATION AND
	:	ORDER
JAMES W. JENSEN	:	
1165 West Indian Hills Drive, Apt. 5B	:	
St. George, UT 84770	:	Docket No. <u>2009-135-LC</u>
License Pending	:	
	:	Enf. Case No. <u>2440</u>
	:	

STIPULATION

1. The Applicant, James W. Jensen, has applied for a resident producer's license in the State of Utah, which application was initially denied.
2. The Applicant stipulates with the Utah Insurance Department, as follows:
 - a. If a hearing were held, witnesses called by the department could offer and introduce evidence that would support the Findings of Fact herein;
 - b. The Applicant admits the Findings of Fact and Conclusions made therefrom;
 - c. The Applicant stipulates to the summary entry of the Order herein which shall be in lieu of other administrative proceedings by the department in this matter; and
 - d. The Applicant and the department have negotiated the terms of the Order entered herein and The Applicant agrees to its entry and further agrees to be bound by all its terms.

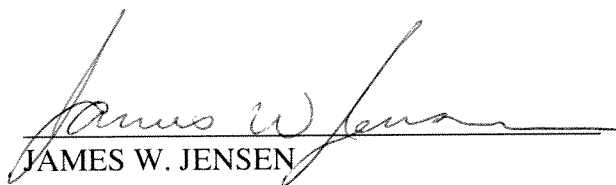
3. The Applicant is aware of his right to a hearing at which he may be represented by counsel, present evidence and cross-examine witnesses. The Applicant has irrevocably waived his right to such hearing and to any appeal related thereto.

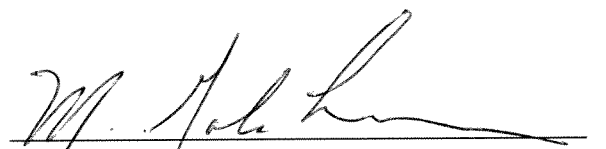
4. The Applicant admits the jurisdiction of the State of Utah Insurance Commissioner as to all matters herein.

5. The Applicant 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. The Applicant acknowledges that the issuance of this Order by the Commissioner is solely for the purpose of disposition of the matter entitled herein.

DATED this 14 day of December, 2009.


JAMES W. JENSEN


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. The Applicant submitted an application for a resident producer’s license to the department on April 11, 2009.
2. Respondent answered “No” to the question “Have you ever been convicted of a crime...”, when he knew or should have known that he had been convicted of a misdemeanor on or about February 17, 2007, in the State of Arizona.
3. The application was initially denied on May 27, 2009.
4. Based upon consideration of the circumstances surrounding the conviction, the Applicants otherwise good record, and the basis for his response in his application, the department and the Applicant have stipulated that the Applicant should be issued a license on the basis stated in the Order below.

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

CONCLUSIONS OF LAW

1. In answering “No” to the question regarding criminal convictions in his application when the answer should have been “Yes”, the Applicant provided false or misleading information and brought into question whether he met the qualifications to hold a license being competent and trustworthy under Utah Code Annotated § 31A-23a-107(2), and is subject to the imposition of an administrative forfeiture under Utah Code Annotated § 31A-2-308 for providing false or misleading information in his application in violation of Utah Code Annotated § 31A-

23a-402(1)(a)(i).

2. The Applicant's license should be issued on probation subject to the terms outlined in the Order below pursuant to Utah Code Annotated § 31A-23a-112.

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. The Applicant is assessed an administrative forfeiture in the amount of \$250.00 to be paid within 90 days of the date of this Order.

2. The department shall immediately issue the license applied for to the Applicant on a probationary status for a period of 24 months, beginning with the date of the issuance of the license. The terms of probation are:

- a. the Applicant shall pay the forfeiture assessed herein in a timely manner;
- b. the Applicant shall have no further violations of the Utah Insurance Code or Rules or of any order of the commissioner, and shall have no further criminal convictions during the period of probation other than minor traffic violations; and
- c. the Applicant shall notify any insurer or agency to which he is appointed or designated of the probationary status of his license while his license is on probation.

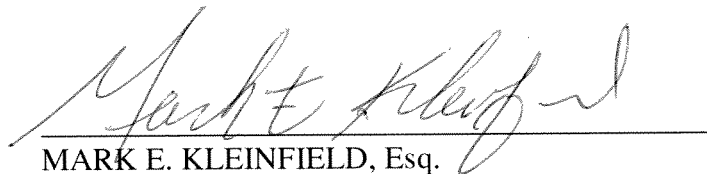
NOTIFICATION

The Applicant 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 \$2,500.00 per violation and the suspension or revocation of your license, 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 or may apply for a license may require that you report this action to them.

DATED this 14th day of December, 2009.

D. KENT MICHIE
INSURANCE COMMISSIONER



A handwritten signature in cursive script, reading "Mark E. Kleinfeld", is written over a horizontal line.

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:

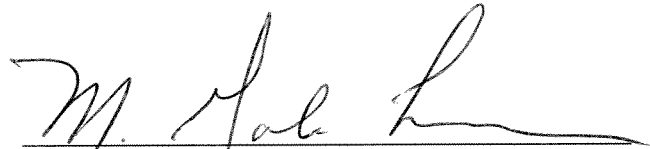
Stipulation and Order

To the following:

James W. Jensen

at the offices of the Utah Insurance Department.

DATED this 14th day of December, 2009.



M. Gale Lemmon, Assistant Attorney General
Utah Department of Insurance
State Office Building, Room 3110
Salt Lake City, UT 84114-6901
Telephone (801) 538-3800