

STATE OF UTAH  
OFFICE OF THE ATTORNEY GENERAL



MARK L. SHURTLEFF  
ATTORNEY GENERAL

RAYMOND A. HINTZE  
Chief Deputy

*Protecting Utah • Protecting You*

KIRK TORGENSEN  
Chief Deputy

August 3, 2009

David Kircher, President  
Motor Club of America Enterprises, Inc.  
3200 W. Wilshire Blvd.  
Oklahoma City, OK 73116

Re: Utah Insurance Department Enforcement Case No. 2455

Dear Mr. Kircher:

In accordance with our phone conversation, enclosed is the Amended Notice of Informal Adjudicative Proceeding and Order reducing the forfeiture assessed to Motor Club of America Enterprises, Inc. to \$1,000.00. This forfeiture will be payable and must be received in the offices of the Utah Insurance Department 25 days from today, or August 28, 2009.

Please prepare a written withdrawal of your request for a hearing dated July 27, 2009, and send it to my attention. If you have any questions regarding this matter, please call.

Thank you for your assistance in resolving this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "M. Gale Lemmon".

M. Gale Lemmon  
Assistant Attorney General

Enclosure

M. GALE LEMMON #4363  
Assistant Attorney General  
MARK L. SHURTLEFF #4666  
Attorney General  
Attorneys for Utah Insurance Department  
State Office Building, Room 3110  
Salt Lake City, UT 84114  
Telephone (801) 538-3872

## BEFORE THE INSURANCE COMMISSIONER OF THE STATE OF UTAH

**COMPLAINANT:**

UTAH INSURANCE DEPARTMENT

**RESPONDENT:**

MOTOR CLUB OF AMERICA  
ENTERPRISES, INC.  
3200 W. Wilshire Blvd.  
P.O. Box 20689  
Oklahoma City, OK 73116-0689  
Utah Co. Id. No. 883

**AMENDED  
NOTICE OF INFORMAL  
ADJUDICATIVE PROCEEDING  
AND ORDER**

DOCKET No. 2009-092 AD

Enf. Case No. 2455

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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 a Motor Club domiciled in the State of Delaware, and authorized to do the business of insurance in the State of Utah, Utah Company Identification No. 883.
2. Respondent was required to file a Motor Club Renewal for the year 2009 and pay an annual Certificate of Authority renewal fee on or before March 1, 2009.

3. Respondent paid the renewal fee, but failed to file the Renewal documents consisting of a checklist, a balance sheet for the year ending 2008, its summary of operations, its Surplus Account report, its supplementary schedules, its interrogatories and certification, and its summary of business.

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

**CONCLUSION OF LAW**

1. In failing to file its renewal for the year 2009, Respondent violated Utah Code Annotated § 31A-4-113.

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 \$1,000. Said forfeiture shall be paid no later than ten (10) days after the date this Order becomes final.

2. Respondent shall file its renewal documents for the year 2009 within 10 days of the date this Order becomes final.

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) 538-3872. 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 \$5,000.00 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 Eric Showgren, at the Utah Insurance Department (801) 537-9174.**

DATED THIS 4<sup>th</sup> day of August, 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

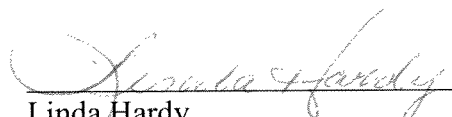
I do hereby certify that on this date I mailed, by regular mail, postage prepaid a true and correct copy of the attached:

AMENDED  
NOTICE OF INFORMAL  
ADJUDICATIVE PROCEEDING  
AND ORDER

To the following:

Motor Club of America Enterprises , Inc  
3200 W. Wilshire Blvd.  
Oklahoma City, OK 73116

DATED this 4<sup>th</sup> day of August, 2009.

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