

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, Utah 84114  
Telephone: (801) 538-3872

---

BEFORE THE INSURANCE COMMISSIONER  
OF THE STATE OF UTAH

---

**COMPLAINANT:**

UTAH INSURANCE DEPARTMENT

**RESPONDENT:**

LLOYD GALE FAIRBOURN  
4545 Jarrah Street  
Taylorsville UT 84123  
License No. 321234

**STIPULATION AND ORDER**

Docket No. 2010-022 LC

Enf. Case No. 2458

---

**STIPULATION**

1. Respondent, Lloyd Gale Fairbourn is a licensed insurance agent in the State of Utah, holding License No. 321234.
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.

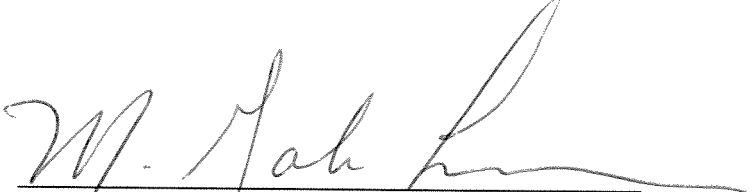
4. Respondent admits the jurisdiction of the State of Utah Insurance Commissioner as to all matters herein.

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 purpose of disposition of the matter entitled herein.

DATED this 15 day of February, 2010.

  
\_\_\_\_\_  
LLOYD GALE FAIRBOURN

  
\_\_\_\_\_  
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. On May 28, 2009, Respondent Lloyd Gale Fairbourn ( Fairbourne) applied for Utah Resident Producer Individual License.
2. On his application, Respondent Fairbourne answered “NO” to the question regarding any prior criminal activity.
3. Utah Criminal History Record dated June 11, 2009, identified Respondent as a multi-state offender.
4. Utah Criminal History Record/Fingerprint Based Record dated June 11, 2009, reflected prior criminal activity by Respondent in the State of Nevada, with an arrest date of February 17, 1997.
5. Respondent had failed to disclose prior criminal action against him until a departmental inquiry requested a “statement of fact” and documentation regarding criminal action taken against him by the State of Nevada.
6. Respondent subsequently produced court records from Nevada which reflect a nolo contendere plea for committing or maintaining a public nuisance, with a forfeiture amount of \$1,000.00 plus court costs of \$100.00. The total amount of \$1100.00 was paid in full.

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

## CONCLUSIONS OF LAW

1. Utah Code Ann. § 31A-23a-105(2)(b) (West 2009) requires a person to report to the commissioner at the time of application for an individual license any criminal prosecution taken against the person in any jurisdiction and include documentation related thereto.

2. By failing to report and document prior criminal activity in the State of Nevada upon application for individual license in the State of Utah, Respondent Fairbourn was in violation of Utah Code Ann. § 31A-23a-105(2)(b).

3. An administrative forfeiture of \$250.00 and probation for a term of 12 months is appropriate under the circumstances.

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 Lloyd Gale Fairbourn is assessed an administrative forfeiture in the amount of \$250.00 to be paid to the Department of Insurance within 30 days of issuance of this Order.

2. Respondent Lloyd Gale Fairbourn is placed on probation for a term of 12 months beginning from the date of this Order. The terms of probation are that Respondent shall pay the administrative forfeiture in a timely manner and shall have no further violations of the Utah Insurance Code or Rules, or any order of the Commissioner.

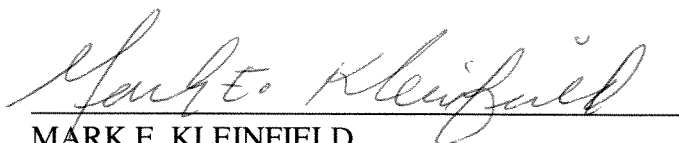
**NOTIFICATION**

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 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 may require that you report this action to them.

DATED this 17<sup>th</sup> day of February, 2010.

NEAL T. GOOCH  
Acting Insurance Commissioner



MARK E. KLEINFELD  
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:

STIPULATION  
&  
ORDER

To the following:

Lloyd Gale Fairbourn  
4545 Jarrah Street  
Taylorsville, UT

DATED this 17<sup>th</sup> day of February 2010

A handwritten signature in cursive script, reading "Linda Hardy", is written over a horizontal line.

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

**UTAH**  
**Invoice - Original**

Printed Date: February 17, 2010  
Invoice Date: February 17, 2010  
Balance Due: \$250.00  
Due Date: March 15, 2010  
Invoice ID: 451355  
Payor ID: 1395318

FAIRBOURN LLOYD GALE  
4545 JARRAH ST  
TAYLORSVILLE UT 84123

<b>Item Description</b>	<b>Amount</b>
2/17/2010 Monetary Penalty Individual E-Case 2458 Docket 2010-022 LC	\$250.00
<b>Original Amount Due</b>	<u>\$250.00</u>

**UTAH**  
**Invoice - Original**

Invoice Date: February 17, 2010  
Balance Due: \$250.00  
Due Date: March 15, 2010  
Invoice ID: 451355  
Payor ID: 1395318  
Payor Name: FAIRBOURN, LLOYD  
GALE

Make checks payable to: Utah Insurance Department

Send payment to:

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