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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>2010-015 LC</u></b>
DAVID C. CLARK	:	
140 East 600 North	:	Enf. Case No. <u>2463</u>
Logan, UT 84321	:	
License No. 321460	:	

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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 321460.
2. Respondent submitted an application for a limited lines insurance agent's license on May 28, 2009. In his application, Respondent answered "No" to the question "Have you ever been convicted of ... a crime...?"

3. At the time of the submission of his application, Respondent knew that he had been convicted of criminal mischief, a class A misdemeanor, on April 16, 2003, in the Second District Court, Weber County, State of Utah.

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

### **CONCLUSION OF LAW**

1. In submitting false information on his license application by stating he had not been convicted of a crime when he had been convicted of a misdemeanor charge of criminal mischief, 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 \$250.00, to be paid within 10 days of the date this Order becomes final.

2. 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**

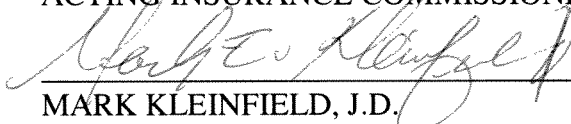
If you request a hearing regarding this matter, the department will be represented by M. Gale Lemmon, Assistant Attorney General, State Office Building, Room 3110, Salt Lake City, Utah 84114, Telephone Number (801) 538-3800. Failure to request a hearing will be considered a failure to exhaust administrative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

DATED THIS 8<sup>th</sup> day of February, 2010.

NEAL T. GOOCH  
ACTING 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

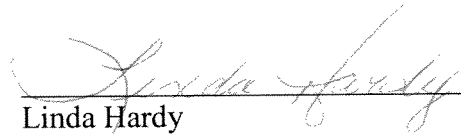
I do hereby certify that on this date I mailed, by regular mail, postage prepaid a true and correct copy of the attached:

NOTICE OF INFORMAL  
ADJUDICATIVE PROCEEDING  
AND ORDER

To the following:

Dave C. Clark  
140 East 600 North  
Logan, UT 84321

DATED this 8<sup>th</sup> day of February 2010.

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

**UTAH  
Invoice - Original**

Printed Date: February 08, 2010  
Invoice Date: February 08, 2010  
Balance Due: \$250.00  
Due Date: March 15, 2010  
Invoice ID: 448047  
Payor ID: 1395348

CLARK DAVID C  
140 E 600 N  
LOGAN UT 84321

<b>Item Description</b>	<b>Amount</b>
2/8/2010 Monetary Penalty Individual E-Case 2463 2010-015 LC	\$250.00
<b>Original Amount Due</b>	<b>\$250.00</b>

**UTAH  
Invoice - Original**

Invoice Date: February 08, 2010  
Balance Due: \$250.00  
Due Date: March 15, 2010  
Invoice ID: 448047  
Payor ID: 1395348  
Payor Name: CLARK, DAVID C

Make checks payable to: Utah Insurance Department

Send payment to:

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