

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:

MICHAEL NELSON
5373 Green Street 4th Floor
Salt Lake City, UT 84123
License No. 209496

STIPULATION AND ORDER

Docket No. 2010-037 LC

Enf. Case No. 2518

STIPULATION

1. Respondent, Michael Nelson is a licensed insurance agent in the State of Utah, holding License No. 209496.
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.

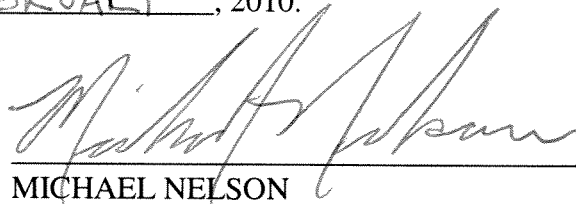
3. Respondent is aware of his right to a hearing at which he may be represented by counsel, present evidence and cross-examine witnesses. Respondent has irrevocably waived his right to such hearing and to any appeal related thereto.


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 22 day of FEBRUARY, 2010.


MICHAEL NELSON


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 August 25, 2009, Respondent Michael Nelson applied for a resident individual producer license.

2. Respondent answered “no” to the application question “Have you ever been convicted of a crime, and a judgment withheld or deferred, or are you currently charged with committing a crime?”

3. On August 27, 2009 a routine background check by the Department found that Respondent was charged with larceny which charge resulted in a misdemeanor conviction on January 18, 1989.

4. After this Stipulation and Order were agreed upon, Respondent’s application for license was ultimately approved.

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 requires and applicant for license to report to the commissioner a criminal prosecution taken against the person in any jurisdiction.

2. By answering “no” to the application questions regarding concerning any criminal conviction, Respondent violated the above statutory provision.

3. An administrative forfeiture of \$500.00 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 Michael Nelson is assessed an administrative forfeiture of \$500.00 to be paid to the Utah Insurance Department within 30 days of issuance of this Order.

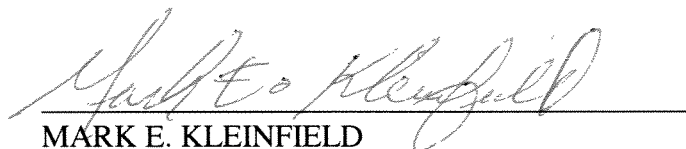
NOTIFICATION

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 \$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 may require that you report this action to them.

DATED this 2nd day of March, 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

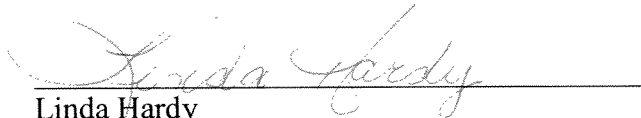
I do hereby certify that on this date I mailed, by regular mail, postage prepaid a true and correct copy of the attached:

STIPULATION & ORDER

To the following:

Michael Nelson
5373 Green Street 4th floor
Salt Lake City, UT 84123

DATED this 2nd day of March, 2010



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

**UTAH
Invoice - Original**

Printed Date: March 02, 2010
Invoice Date: March 02, 2010
Balance Due: \$500.00
Due Date: April 01, 2010
Invoice ID: 451496
Payor ID: 97374

NELSON MICHAEL LEONARD
5373 GREEN STREET
4TH FLOOR
SALT LAKE CITY UT 84020

Item Description	Amount
3/2/2010 Monetary Penalty Individual	\$500.00
E-Case 2518 Docket 2010-037 LC	
Original Amount Due	<u>\$500.00</u>

**UTAH
Invoice - Original**

Invoice Date: March 02, 2010
Balance Due: \$500.00
Due Date: April 01, 2010
Invoice ID: 451496
Payor ID: 97374
Payor Name: NELSON, MICHAEL
LEONARD

Make checks payable to: Utah Insurance Department

Send payment to:

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