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

**COMPLAINANT:**

UTAH STATE INSURANCE DEPARTMENT

**RESPONDENT:**

USA PAYROLL SERVICES, LLC  
Attn: Terry Ficklin  
210 N. University Ave.  
Provo, UT 84601  
Utah Co. Id. No. 158373

**DEFAULT AND  
DEFAULT ORDER**

Docket No. 2010-001-EX

Enf. Case No. 2608

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**DEFAULT**

1. On Monday, February 8, 2010, at the hour of 2:00 p.m., the date and time set for the Pre-Hearing in this matter, the Complainant appeared by and through its attorney, M. Gale Lemmon, Assistant Attorney General. The Respondent failed to appear either through a representative or through counsel.

2. Further, more than 30 days have elapsed since the mailing of the Notice of Formal Adjudicative Proceeding and Pre-Hearing Conference and Complaint to the Respondent, and no response to the complaint has been received.

3. A letter dated February 3, 2010, from Terry Ficklin of U.S.A. Payroll Services addressed to the administrative law judge, Mark E. Kleinfield, postmarked February 4, 2010, and received in the offices of the Utah Insurance Department on February 8, 2010, stated that Mr. Ficklin was unavailable for the Pre-hearing on February 8, 2010, but would be available after February 24, 2010. No other contact had been received by the department or by counsel for the

department.

4. Said letter did not constitute a response to the complaint. Further, said letter was untimely and did not constitute an effective motion for a continuance, a copy having not been sent to the counsel for the department and no other contact having been made.

5. Therefore, Pursuant to Utah Code Annotated Section 63G-4-209 the Default of the Respondent is hereby entered.

DATED this 10<sup>th</sup> day of February, 2010.

NEAL T. GOOCH  
ACTING INSURANCE COMMISSIONER



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MARK E. KLEINFELD, Esq.  
Presiding Officer  
Utah Department of Insurance  
State Office Building, Room 3110  
Salt Lake City, Utah 84114  
Telephone (801) 538-3800

**DEFAULT ORDER**

The Default of the Respondent having previously been entered, the presiding officer hereby adopts the allegations in the Complaint as his Findings of Fact and Conclusions of Law, and enters the following Order:

IT IS HEREBY ORDERED:

1. The Professional Employer Organization license of the Respondent, USA Payroll Services, is hereby revoked forthwith.
2. Respondent shall immediately cease doing any business as a professional employer organization in the State of Utah.
3. Respondent shall, within 20 days of the date of this Order, provide a listing, as of the date of this Order, of the name, contact person, address, telephone number, and number of co-employees for each of its clients/co-employers operating in the State of Utah or who have employees in the State of Utah.

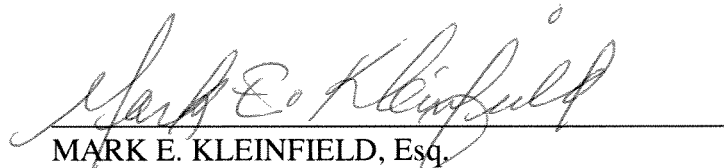
**NOTIFICATION**

Respondent is hereby notified that failure to abide by the terms of this Order may subject it to further penalties, including additional forfeitures of up to \$5,000.00 per violation 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 10<sup>th</sup> day of February, 2010.

NEAL T. GOOCH  
ACTING INSURANCE COMMISSIONER



MARK E. KLEINFELD, Esq.  
Presiding Officer  
Utah Department of Insurance  
State Office Building, Room 3110  
Salt Lake City, Utah 84114  
Telephone (801) 538-3800

CERTIFICATE OF MAILING

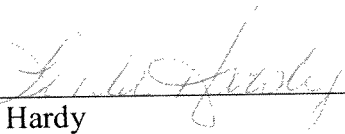
I do hereby certify that on this date I mailed, by regular mail postage prepaid, a true and correct copy of the attached:

DEFAULT AND  
DEFAULT ORDER

To the following:

USA Payroll Services, LLC  
Attn: Terry Ficklin  
210 N. University Ave.  
Provo, UT 84601

DATED this 10<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