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Salt Lake City, Utah 84114  
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BEFORE THE INSURANCE COMMISSIONER  
OF THE STATE OF UTAH

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**COMPLAINANT:**

UTAH INSURANCE DEPARTMENT

**RESPONDENT:**

Andrew George Vidal IV  
4300 Center View  
San Antonio, TX 78228  
License No. 296840

**STIPULATION AND ORDER**

Docket No. 2010-068 PC

Enf. Case No. 2465

RECEIVED  
MAY 17 2010  
UTAH STATE  
INSURANCE DEPT

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**STIPULATION**

1. Respondent, Andrew George Vidal IV is a licensed insurance agent in the State of Utah, holding License No. 296840.
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.

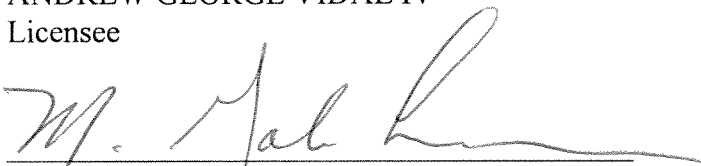
4. Respondent admits the jurisdiction of the State of Utah Insurance Commissioner as to all matters herein.

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 18<sup>th</sup> day of May, 2010.

  
\_\_\_\_\_  
ANDREW GEORGE VIDAL IV  
Licensee

  
\_\_\_\_\_  
UTAH INSURANCE DEPARTMENT  
M. Gale Lemmon  
Assistant Attorney General

Based upon the foregoing Stipulation and information in the file, the Presiding Office makes the following Findings of Fact:

**FINDINGS OF FACT**

1. The Producer Licensing Division received notice from the National Association of Insurance Commissioners (NAIC) , in which the New York Insurance Department took administrative action on April 27, 2009 against Respondent's license.

2. The Respondent is a resident of Texas, residing at 8414 Braun Walk, San Antonio, TX 78250.

3. A Private Letter of Admonition was issued to Respondent by the Producer Licensing Division on September 17, 2008 for failing to report in his non-resident producers application the administrative actions taken against his license by other state insurance departments.

4. Respondent failed to report administrative actions taken against his license by the states of Wisconsin and Alabama. In January 2009, the Producer Licensing Division through Tara Buehner warned Respondent that he must report all administrative actions against his license.

5. In June 2009, the Producer Licensing Division referred Respondent's license to Market Conduct for failing to report an April 2009 New York Action against his license within 30 days.

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. § 13A-23a-105(2) (West 2009) requires that a licensee shall report to the Commissioner any administrative action taken against the person in another jurisdiction within 30 days of the final disposition of the administrative action.

2. By failing to report administrative actions taken against his license in other states, Respondent was in violation of Utah Code Ann. § 13A-23a-105(2) (West 2009).

3. An administrative forfeiture of \$750.00 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 Andrew George Vidal IV is assessed a forfeiture of \$750.00 to be paid to the Utah Insurance Department within 30 days of issuance of this Order.

2. Respondent Andrew George Vidal IV is placed on probation for a period 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 18 day of May, 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

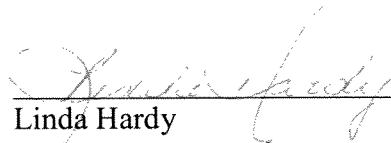
I do hereby certify that on this date I mailed, by regular mail, postage prepaid a true and correct copy of the attached:

### STIPULATION & ORDER

To the following:

Andrew George Vidal IV  
4300 Center View  
San Antonio, TX 78228

DATED this 19<sup>th</sup> day of May, 2010



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

**UTAH  
Invoice**

Printed Date: May 19, 2010

Invoice Date: May 17, 2010  
Balance Due: \$0.00  
Due Date: June 11, 2010  
Invoice ID: 462574

VIDAL ANDREW GEORGE IV  
4300 CENTERVIEW  
SAN ANTONIO TX 78228-1533

<b>Item Description</b>	<b>Amount</b>
Monetary Penalty Individual	\$750.00
<b>Original Amount Due</b>	<b>\$750.00</b>
<b>Payments Received</b>	
5/18/2010 Check	\$750.00
<b>Balance Due</b>	<b>\$0.00</b>

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**UTAH  
Invoice**

Printed Date: May 19, 2010

Invoice Date: May 17, 2010  
Balance Due: \$0.00  
Due Date: June 11, 2010  
Invoice ID: 462574

Make checks payable to: Utah Insurance Department

Send payment to:

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

**Detach and Return with Payment**