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

**COMPLAINANT:**

UTAH INSURANCE DEPARTMENT

**RESPONDENT:**

KIMBERLY A. SANBORN  
308 W. Main St.  
Sun Prairie, WI 53590  
License Pending

**STIPULATION  
&  
ORDER**

Docket No. 2008-0844 LC

Enf. Case No. 2145

**STIPULATION**

1. Respondent, Kimberly A. Sanborn, is a licensed resident insurance agent in the State of Wisconsin, and has applied for a non-resident insurance agent's license in the State of Utah, which application is currently pending.

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;

*paid \$500. Jan 28 2009*

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.

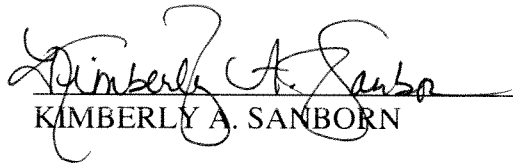
3. Respondent is aware of her right to a hearing at which she may be represented by counsel, present evidence and cross-examine witnesses. Respondent has irrevocably waived her right to such hearing and to any appeal related thereto.


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 her rights set forth herein.

6. Respondent acknowledges that the issuance of this Order by the Commissioner is solely for the purpose of disposition of the matter entitled herein.

DATED this 7<sup>th</sup> day of July, 2008.

  
KIMBERLY A. SANBORN

  
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. Respondent applied for a non-resident insurance agent's license in the State of Utah on December 4, 2007.

2. In response to the question in the application "Have you ... ever been involved in an administrative proceeding regarding any professional or occupational license, or registration?", Respondent answered "No."

3. Respondent also answered "No" to the question "Have you ever been convicted of a crime ...?"

3. At the time of the submission of her application, Respondent had two administrative actions taken against her insurance agent's license in the states of Alabama and Mississippi for failing to disclose a previous DUI conviction on her applications for licenses in those states.

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

**CONCLUSIONS OF LAW**

1. In failing falsely certifying on her application for an insurance agent's license that she had not previously been convicted of a crime or been involved in an administrative proceeding regarding a professional license, Respondent committed two violations of Utah Code Annotated § 31A-23a-105(2).

2. Respondent's actions bring into question her qualification to hold an insurance agent's license as being competent and trustworthy as required under Utah Code Annotated § 31A-23a-107(2).

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 is assessed an administrative forfeiture in the amount of \$500.00, to be paid within 30 days of the date of this Order.

2. After payment of the administrative forfeiture assessed herein, the department shall issue the license Respondent applied for on a probationary status for a period of 12 months. The terms of the probation are that the Respondent shall have no further violations of the Utah Insurance Code or Rules or of any order of the commissioner.

### **NOTIFICATION**

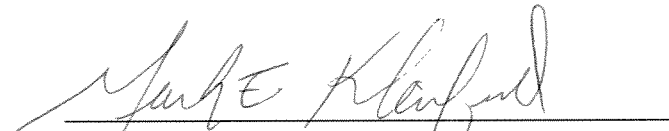
Respondent is hereby notified that failure to abide by the terms of this Order may subject you to further penalties, including additional forfeitures of up to \$2,500.00 per violation and the suspension or revocation of your license, and the filing of an action to

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 16<sup>th</sup> day of July, 2008.

D. KENT MICHIE  
INSURANCE COMMISSIONER



MARK E. KLEINFELD, Esq.  
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:

Kimberly Sanborn  
308 W Main St  
Sun Prairie, WI 53590

DATED this 16th day of July, 2008.

  
Angie Thomas Court Clerk  
Utah Department of Insurance  
State Office Building, Room 3110  
Salt Lake City, UT 84114-6901