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Salt Lake City, UT 84114  
Telephone (801) 538-3872

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

**COMPLAINANT:**

UTAH INSURANCE DEPARTMENT

**RESPONDENT:**

PATRICK RICHARDS MALIN  
256 S. 200 E.  
St. George, UT 84770  
License Pending

**STIPULATION  
&  
ORDER**

Docket No. 2008-124 LC

Enf. Case No. 2216

**RECEIVED**

SEP 08 2008

UTAH STATE  
INSURANCE DEPT

**STIPULATION**

1. Respondent, Patrick Richards Malin, is a resident of the State of Utah, whose application for an insurance agent's license 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;
  - 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

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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 the purpose of disposition of the matter entitled herein.

DATED this 29<sup>th</sup> day of August, 2008.

*Patrick Malin*  
PATRICK RICHARDS MALIN

*M. Gale Lemmon*  
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 submitted an application for resident insurance agent on June 5, 2008.
2. In his application, Respondent answered “No” to the question “Have you ever been convicted of ... a crime...?”
3. At the time Respondent submitted his application he knew that he had been convicted of illegal possession/use of a controlled substance, a class B misdemeanor, on October 14, 2004 in the Fifth District Court, St. George, Washing County, Utah.

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

**CONCLUSIONS OF LAW**

1. In falsely stating in his application for an insurance agent’s license that he had not been convicted of a crime when such was not the case, Respondent violated Utah Code Annotated §§ 31A-23a-105(2) and 31A-2-202(6), and brings into question whether he meets the character requirements to hold an insurance agent’s license 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 \$250.00, to be paid within 30 days of the date of this Order.

2. Upon payment of the administrative forfeiture assessed herein, the department shall issue to the Respondent the license applied for which license shall be on a probationary status for a period of 12 months. The terms of probation are that the Respondent shall have no further violations of the Utah insurance code or rules or of any Order of the commissioner.

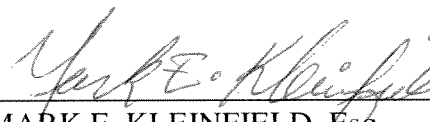
**NOTIFICATION**

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 29<sup>th</sup> day of August, 2008.

D. KENT MICHIE  
INSURANCE COMMISSIONER

  
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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

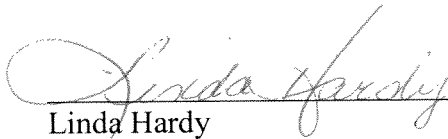
I do hereby certify that on this date I mailed, by regular mail, postage prepaid, a true and correct copy of the attached:

STIPULATION  
&  
ORDER

To the following:

Patrick Richards Malin  
1173 S 250 West  
St. George, UT 84770

DATED this 8<sup>th</sup> day of September 2008.



Linda Hardy

Court Clerk

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