

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, UT 84114
Telephone (801) 538-3872

BEFORE THE INSURANCE COMMISSIONER OF THE STATE OF UTAH

COMPLAINANT:

UTAH INSURANCE DEPARTMENT

RESPONDENT:

JOHN DOUGLAS YEARSLEY
2363 N. 375 W.
Ogden, UT 84414
License No. 293394

**NOTICE OF INFORMAL
ADJUDICATIVE PROCEEDING
AND ORDER**

Docket No. 2008-111 LC

Enf. Case No. 2239

The Utah Insurance Department has commenced this informal adjudicative proceeding pursuant to Utah Code Annotated §§ 31A-2-201 and 63G-4-201 and Utah Administrative Code Rule R590-160. Based upon information contained in agency files or known to the Commissioner, the Commissioner makes the following:

FINDINGS OF FACT

1. Respondent is a limited lines insurance agent authorized to do the business of insurance in the State of Utah holding License number 293394.
2. Respondent submitted an application for a limited lines insurance agent's license on January 25, 2008. In his application, Respondent answered "No" to the question "Have you ever been convicted of ... a crime...?"

3. At the time of the submission of his application, Respondent knew that he had been convicted of: Theft, a class B misdemeanor in November 1993; Larceny, a class B misdemeanor in December 1992; Disorderly Conduct, a class C misdemeanor in May 1991; Retail Theft, a class A misdemeanor in February 1989; and Driving Under the Influence of Alcohol or Drugs, a misdemeanor in October 1987.

Having entered his Findings of Fact, the Commissioner now enters his:

CONCLUSION OF LAW

1. In submitting false information on his license application by stating he had not been convicted of a crime when he had five misdemeanor convictions, Respondent violated Utah Code Annotated § 31A-23a-105(2) and 31A-2-202(6).

2. In providing false information on his license application, Respondent brings into question his qualification to hold an insurance agent's license under Utah Code Annotated § 31A-23a-107(2) as being competent and trustworthy.

3. In violating insurance statutes, Respondent is subject to imposition of forfeitures of up to \$5,000.00 per violation under Utah Code Annotated § 31A-2-308, and is subject to the revocation or suspension of his license under Utah Code Annotated § 31A-23a-111(5)(b), and having his license placed on probation under Utah Code Annotated § 31A-23a-112.

Based upon the foregoing Findings of Fact and Conclusions of Law, the Commissioner now enters the following:

ORDER

IT IS HEREBY ORDERED:

1. Respondent is assessed an administrative forfeiture in the amount of \$500.00, to be paid within 10 days of the date this Order becomes final.

2. Respondent's license is placed on probation for a period of 24 months from the date this Order becomes final. The terms of probation are:

a. Respondent shall pay the administrative forfeiture assessed herein in a timely manner;

b. Respondent shall have no further violations of the Utah Insurance Code or Rules or of any order of the commissioner; and

c. during the period of probation Respondent shall not commit any criminal acts, other than minor traffic violations.

3. This Order shall become final fifteen (15) days after the date of mailing unless a written request for a hearing is received from the Respondent in the offices of the department prior to that date. A written request for a hearing shall be signed by the person making the request and shall state the basis for the relief requested.

NOTIFICATION

If you request a hearing regarding this matter, the department will be represented by M. Gale Lemmon, Assistant Attorney General, State Office Building, Room 3110, Salt Lake City, Utah 84114, Telephone Number (801) 538-3800. Failure to request a hearing will be considered a failure to exhaust administrative remedies and will preclude any further administrative or judicial review or appeal of this matter.

You are further notified that a failure to obey an Order of the commissioner may subject you to further penalties, including forfeitures of up to \$2,500.00 per violation and the suspension

or revocation of your license and the filing of an action in District Court, which may impose forfeitures 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.

Questions regarding this Adjudicative Proceeding should be directed to Robert Herrera, at the Utah Insurance Department, telephone number (801) 538-3701.

DATED THIS 19th day of August, 2008.

D. KENT MICHIE
INSURANCE COMMISSIONER



MARK KLEINFELD, J.D.
ADMINISTRATIVE LAW JUDGE
Utah Insurance Department
State Office Building, Room 3110
Salt Lake City, Utah 84114
Telephone (801) 538-3800

CERTIFICATE OF MAILING

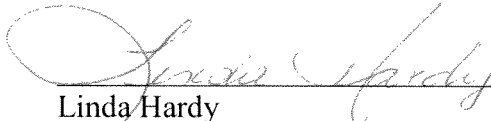
I do hereby certify that on this date I mailed, by regular mail, postage prepaid, a true and correct copy of the attached:

NOTICE OF INFORMAL
ADJUDICATIVE PROCEEDING
AND ORDER

To the following:

John Douglas Yearsley
2363 N. 375 W
Ogden, UT 84414

DATED this 19th day of August 2008.



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

UTAH
Invoice - Original

Page 1

Printed Date: August 19, 2008

Invoice Date: August 19, 2008
Balance Due: \$500.00
Due Date: September 14, 2008
Invoice ID: 391509
Payor ID: 1353720

YEARSLEY JOHN DOUGLAS
FIRST CHOICE CARS
PO BOX 633
KAYSVILLE UT 84037

Item Description	Amount
8/19/2008 Monetary Penalty Individual E-case 2239 Docket 2008-111 LC	\$500.00
Original Amount Due	<u>\$500.00</u>

UTAH
Invoice - Original

Invoice Date: August 19, 2008
Balance Due: \$500.00
Due Date: September 14, 2008
Invoice ID: 391509
Payor ID: 1353720
Payor Name: YEARSLEY, JOHN
DOUGLAS

Make checks payable to: Utah Insurance Department

Send payment to:

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