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

COMPLAINANT:

UTAH INSURANCE DEPARTMENT

RESPONDENT:

THOMAS LE ROY MAKIN
1716 Grant Ave.
Ogden, UT 84404
License No. 282326

**NOTICE OF INFORMAL
ADJUDICATIVE PROCEEDING
AND ORDER**

DOCKET No. 2008-151 LC

Enf. Case No. 2291

The Utah Insurance Department has commenced this informal adjudicative proceeding pursuant to Utah Code Annotated §§ 31A-2-201 and 63-46b-3 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 resident insurance agent authorized to do the business of insurance in the State of Utah holding License number 282326.
2. Respondent applied for a resident insurance agent's license on March 6, 2008. In his application, Respondent answered "No" to the question "Have you ... ever been involved in an administrative proceeding regarding any professional or occupational license?"
3. At the time Respondent submitted his application he knew that he previously had had

a real estate agent's license revoked in the State of Utah.

4. Respondent's insurance agent's license was issued by the department on January 5, 2008. He notified the department of the incorrect answer in his application in September 2008.

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

CONCLUSION OF LAW

1. In answering "No" to the question regarding previous administrative action against a professional license when he knew that answer was incorrect, Respondent violated Utah Code Annotated §§ 31A-2-202(6) and 31A-23a-105(2)

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. Said forfeiture shall be paid no later than ten (10) days after the date this Order becomes final.

2. Respondent's insurance agent's license is placed on probation for a period of 24 months beginning from the date this Order becomes final. The terms of probation are that Respondent shall have no further violations of the Utah Insurance Code or Rules or of any order of the commissioner.

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.

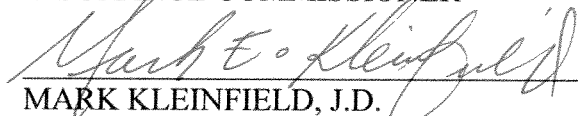
You are further notified that a failure to obey an Order of the commissioner may subject you to further penalties, including forfeitures of up to \$2,500.00 per violation and the suspension or revocation of your license and the filing of an action in District Court, which may impose forfeitures of up 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 (801) 538-3701.

DATED THIS 1st day of December, 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

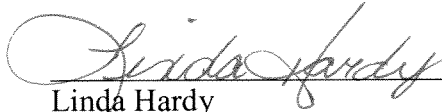
I do hereby certify that on this date I mailed, by regular mail, postage prepaid a true and correct copy of the attached:

NOTICE OF INFORMAL
ADJUDICATIVE PROCEEDING
AND HEARING

To the following:

Thomas LeRoy Makin
1719 Grant Ave.
Ogden, UT 84404

DATED this 1st day of December, 2008.



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

**UTAH
Invoice - Original**

Printed Date: December 01, 2008
Invoice Date: December 01, 2008
Balance Due: \$500.00
Due Date: December 26, 2008
Invoice ID: 395892
Payor ID: 43432

MAKIN THOMAS LE ROY
551 W 2600 S
OGDEN UT 84404

Item Description	Amount
12/1/2008 Monetary Penalty Individual	\$500.00
E-case 2291 Docket 2008-151 LC	
Original Amount Due	<u>\$500.00</u>

**UTAH
Invoice - Original**

Invoice Date: December 01, 2008
Balance Due: \$500.00
Due Date: December 26, 2008
Invoice ID: 395892
Payor ID: 43432
Payor Name: MAKIN, THOMAS LE ROY

Make checks payable to: Utah Insurance Department

Send payment to:

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