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BEFORE THE INSURANCE COMMISSIONER OF THE STATE OF UTAH

COMPLAINANT:

UTAH INSURANCE DEPARTMENT

RESPONDENT:

LINDA DIAN NIELSON
1204 N. 3020 W.
Provo, UT 84601
License No. 302133

**NOTICE OF INFORMAL
ADJUDICATIVE PROCEEDING
AND ORDER**

DOCKET No. 2008-136 LC

Enf. Case No. 2304

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 resident insurance agent authorized to do the business of insurance in the State of Utah holding License number 302133.

2. Respondent filed an application for a resident insurance producer's license to the department on September 29, 2008.

3. In her application, Respondent answered "No" to the question "Have you ever been convicted ... of committing a crime...?"

4. Respondent knew at the time she submitted her application that she had previously been convicted of interfering with a legal arrest, a class B misdemeanor on September 19, 1989; providing false ID to a police officer, a misdemeanor on September 29, 1989; providing false information to a police officer, a class B misdemeanor on February 15, 1990; attempted possession of a controlled substance, a class B misdemeanor on March 15, 1990; and possession of alcohol on a public conveyance, a misdemeanor on May 30, 2004.

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

CONCLUSION OF LAW

1. In answering "No" to the question regarding criminal convictions in her license application when she knew that was not correct, 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 with the date this Order become final. 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.

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 Richard Grieser,
at the Utah Insurance Department (801) 537-9057.

DATED THIS 15 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

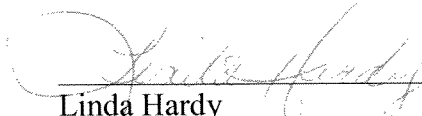
I do hereby certify that on this date I mailed, by regular mail, postage prepaid a true and correct copy of the attached:

NOTICE OF INFORMAL
ADJUDICATIVE PROCEEDING
AND ORDER

To the following:

Linda Dian Nielson
1204 N. 3020 W.
Provo, UT 84601

DATED this 15th 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**

Printed Date: December 15, 2008

Invoice Date: December 15, 2008
Balance Due: \$500.00
Due Date: January 10, 2009
Invoice ID: 399413

NIELSON LINDA D
1204 N 3020 W
PROVO UT 84601

Item Description	Amount
Monetary Penalty Individual	\$500.00
Original Amount Due	<u>\$500.00</u>

**UTAH
Invoice**

Printed Date: December 15, 2008

Invoice Date: December 15, 2008
Balance Due: \$500.00
Due Date: January 10, 2009
Invoice ID: 399413

Make checks payable to: Utah Insurance Department

Send payment to:

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