

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

COMPLAINANT:

UTAH INSURANCE DEPARTMENT

RESPONDENT:

JASON C. HOUSE
450 East Harvard Avenue
Salt Lake City, UT 84111

License No. 250434

ORDER ON

ORDER TO SHOW CAUSE

DOCKET No. 2010-024 LC
Enf. Case No. 2442

Mark E. Kleinfield,
Presiding Officer

ORDER ON ORDER TO SHOW CAUSE

THIS MATTER CAME ON to be heard before the Commissioner of the Utah State Insurance Department (“Department”) on April 12, 2011 with Mark E. Kleinfield, Administrative Law Judge, serving as designated Presiding Officer.

Said hearing being held at the Department’s offices located at the Utah State Office Building, Room 3110, Salt Lake City, Utah 84114, having been convened on the designated date of April 12, 2011.

Appearances:

Gale Lemmon, Assistant Attorney General, State of Utah, Attorney for Complainant, Salt Lake City, Utah 84114.

Jason C. House, pro se.

By the Presiding Officer:

Pursuant to a March 8, 2011 Notice of Hearing a hearing was conducted on April 12, 2011. The Respondent was present at that time.

The hearing was convened and conducted as a **formal hearing** in accordance with Utah Code Ann. Sections 63G-4-204, 63G-4-205, 63G-4-206, 63G-4-207 and 63G-4-208 and Administrative Rule R590-160.

ISSUE, BURDEN and "STANDARD OF PROOF"

1. The basic issue(s) in this case is (are): should Respondent's license be revoked?

(SEE also Paragraph 2 under DISCUSSION-ANALYSIS.)

2. The "*burden of proof*" or "*burden of going forward*" in this case as to the above issue(s) is on the Respondent.

3. As per Utah Administrative Code Rule, R590-160-5(10) as to each of the above and foregoing "issue(s)" or "question(s)" to be answered the "*standard of proof*" as to issues of fact is to be proven by a "*preponderance of the evidence*".

Brief opening statements were given.

Thereafter, evidence was received.

SUMMARY OF THE EVIDENCE

The Presiding Officer took administrative notice of the case file.

Testimony of Department witness Mark Snerohowich (sp.).

Argument followed.

The Presiding Officer being fully advised in the premises and taking administrative notice of the files and records of the Department, now enters his *Findings of Fact, Conclusions of Law, and Order*, on behalf of the Department:

FINDINGS OF FACT

I, find by a preponderance of the evidence, the following facts:

Preliminary-Procedural Facts (Paragraphs 1-)

1. The Utah Insurance Department (“Department”) is a governmental entity of the State of Utah. The Department as per Utah Code Ann. Section 31A-2-101 is empowered to administer the *Insurance Code*, Title 31A, Utah Code Ann., 1953, as amended.

2. The Presiding Officer took administrative notice of the case file.

3. The Respondent has violated the parties Presiding Officer approved and made a Presiding Officer ordered “Stipulated Settlement” by the Respondent’s failure to comply with the scheduled payment of his forfeiture as well as his failure to obtain a department approved “mentor” neither in a timely manner..

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

CONCLUSIONS OF LAW

1. The Respondent has violated the parties Presiding Officer approved and made an Order “Stipulated Settlement”.

2. The Respondent’s licensed should be revoked forthwith.

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

ORDER

IT IS HEREBY ORDERED:

1. The Complainant's Motion is granted.
2. The Respondent's license is revoked immediately upon entry of this present Order.

DATED and ENTERED this 12 day of April, 2011.

**NEAL T. GOOCH,
INSURANCE COMMISSIONER**



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ADMINISTRATIVE LAW JUDGE and
PRESIDING OFFICER
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ADMINISTRATIVE AGENCY REVIEW

Administrative Agency Review of this Order may be obtained by filing a Petition for Review with the Commissioner of the Utah Insurance Department within thirty (30) days of the date of entry of said Order consistent with Utah Code Ann. Section 63G-4-301 and Administrative Rule R590-160.

Failure to seek agency review shall be considered a failure to exhaust administrative remedies.

(R590-160 and Section 63G-4-401)

JUDICIAL REVIEW

As an **“Formal Hearing”** after agency review judicial review of this Order may be obtained by filing a petition for such review consistent with Utah Code Ann. Section 63G-4-403.
