

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**

<b>COMPLAINANT:</b>	:	<b>MOTION AND</b>
	:	<b>ORDER TO SHOW CAUSE</b>
	:	
UTAH INSURANCE DEPARTMENT	:	<b>REVOCAION OF LICENSE</b>
	:	
<b>RESPONDENT:</b>	:	
	:	
GAY CHUNG	:	<b>Docket No. <u>2009-080-LC</u></b>
426 27 <sup>th</sup> Street, 206A	:	
Oakland, CA 94612	:	<b>Enf. Case No. <u>2445</u></b>
License No. 246431	:	
	:	

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**MOTION FOR ORDER TO SHOW CAUSE**

Comes now, M. Gale Lemmon, attorney for Complainant, and hereby moves the commissioner for an Order to Show Cause why Respondent's Utah insurance agent's license should not be revoked for failure to obey an Order of the commissioner in the above-entitled matter. In support of its motion, Complainant shows as follows:

1. Complainant instituted an informal administrative proceeding against Respondent on June 24, 2009, and on the same day mailed the Notice Of Informal Adjudicative Proceeding and Order to Respondent at the following address:

Gay Chung  
426 27<sup>th</sup> Street, 106A  
Oakland, CA 94612

a copy of which is attached hereto as Exhibit A.

2. Respondent did not request a hearing and the Order became final on July 9, 2009, and

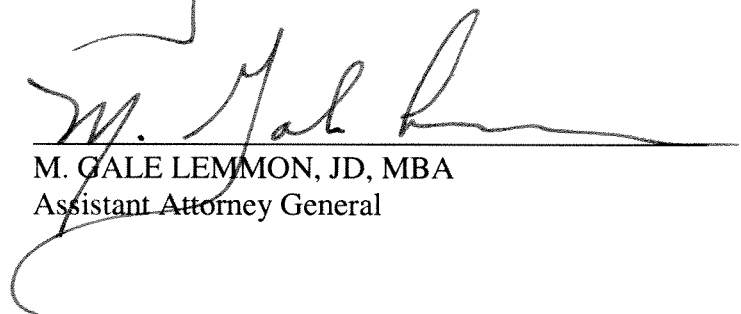
is not subject to agency review or appeal.

3. Respondent failed to obey the Order of the commissioner in failing to pay an administrative forfeiture in the amount of \$250.00, and in failing to provide a substantive response to inquiries of the commissioner.

4. Pursuant to Utah Code Annotated § 31A-2-308, if a licensee fails to obey an order of the commissioner, he may assess forfeitures of up to \$5,000.00 per violation or may suspend or revoke Respondent's license.

5. Because Respondent failed to obey the Order previously made in this matter, the commissioner should now revoke Respondent's license and order Respondent to pay an additional administrative forfeiture in an amount to be designated by the commissioner for violation of that Order.

DATED this 25<sup>th</sup> day of February, 2010.



M. GALE LEMMON, JD, MBA  
Assistant Attorney General

**ORDER TO SHOW CAUSE**

Having considered the motion of the Complainant, and good cause otherwise appearing:

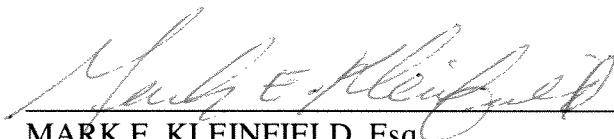
**IT IS HEREBY ORDERED:**

1. Respondent shall appear before the commissioner or his designated representative on Thursday, the 1<sup>st</sup> day of April, 2010, at the hour of 10:00 a.m. to show cause, if any there be, why Respondent's insurance agent's license should not be immediately revoked for failure to obey an Order of the commissioner and the imposition of additional forfeitures for violation of that Order.

2. Failure to appear shall result in your default being taken and the entry of an order revoking your license and assessment of additional forfeitures.

DATED this 1<sup>st</sup> day of March, 2010.

NEAL T. GOOCH  
ACTING INSURANCE COMMISSIONER

  
\_\_\_\_\_  
MARK E. KLEINFELD, Esq.  
Administrative Law Judge  
Utah Insurance Department  
State Office Building, Room 3110  
Salt Lake City, UT 84114  
Telephone (801) 538-3800

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this proceeding should call the Utah Insurance Department at (801) 538-3800 at least three working days prior to the proceeding.

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

**COMPLAINANT:**

UTAH INSURANCE DEPARTMENT

**RESPONDENT:**

GAY CHUNG  
426 27<sup>TH</sup> STREET, 206A  
OAKLAND, CA 94612

License No. 246431

**NOTICE OF INFORMAL  
ADJUDICATIVE PROCEEDING  
AND ORDER**

DOCKET No. 2009-080 LC

Enf. Case No. 2445

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The Utah Insurance Department has commenced this informal adjudicative proceeding pursuant to Utah Code Annotated (U.C.A.) §§ 31A-2-101 and 63G-4-201 and Utah Administrative Code (U.A.C.) 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 non-resident individual producer authorized to do the business of insurance in the State of Utah holding License number 246431.
2. Respondent failed to properly respond to an inquiry of the Commissioner dated March 4, 2009. Correspondence was addressed to the Respondent's business address of: Marsh Risk & Insurance Services, 345 California Street, Suite 1300, San Francisco, CA 94014-2652. On April

Exhibit A

1, 2009, Marsh USA, Inc., notified the department that Respondent was no longer an employee of Marsh Risk & Insurance Services.

3. Thereafter, Respondent was required, by certified letter dated April 7, 2009, and addressed to the Respondent's home mailing address of: 426 27<sup>th</sup> Street, 206A, Oakland, CA 94612, to provide a substantive response to the Commissioner's initial inquiry on or before April 21, 2009. Certified letter was returned to the department by the USPS on June 8, 2009 as "Return to Sender/Unclaimed/Unable to Forward." There are no other addresses for the Respondent on file with the department.

4. As of the date of this Notice of Informal Adjudicative Proceeding and Order, no response has been received and the time for response and any extensions granted has expired.

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

#### **CONCLUSION OF LAW**

1. In failing to submit a timely response to an inquiry from the Commissioner, the Respondent violated U.C.A. Subsection 31A-2-202(4).

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

#### **ORDER**

#### **IT IS HEREBY ORDERED:**

1. Respondent shall pay an administrative forfeiture in the amount of \$250.00. Said forfeiture shall be paid no later than ten (10) days after the date this Order becomes final.

2. Respondent shall provide a substantive response to the Commissioner's inquiries to be received in the offices of the Utah Insurance Department no later than ten (10) days after the date this Order becomes final.

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.

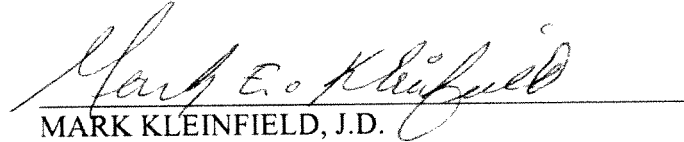
You are further notified that a failure to obey an Order of the commissioner may subject you to further penalties, including forfeitures of up to \$2,500.00 per violation and the suspension or revocation of your license of the filing of an action to enforce this Order in District Court which may impose forfeitures of up to \$5,000.00 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 Connie Nowland at (801) 538-3040.

DATED THIS 24<sup>th</sup> day of JUNE, 2009.

D. KENT MICHIE  
INSURANCE COMMISSIONER

A handwritten signature in cursive script, reading "Mark E. Kleinfeld", is written over a horizontal line.

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

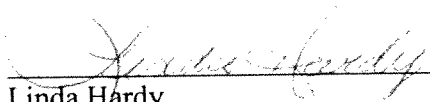
I do hereby certify that on this date I mailed, by regular mail, postage prepaid a true and correct copy of the attached:

NOTICE OF INFORMAL  
ADJUDICATIVE PROCEEDING  
AND ORDER

To the following:

Gay Chung  
426 27<sup>th</sup> Street 106A  
Oakland, CA 94612

DATED this 24<sup>th</sup> day of June, 2009.

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



**UTAH  
Invoice - Original**

Printed Date: June 24, 2009  
Invoice Date: June 24, 2009  
Balance Due: \$250.00  
Due Date: July 19, 2009  
Invoice ID: 417820  
Payor ID: 133862

CHUNG GAY  
MARSH RISK INSURANCE SERVICES  
345 CALIFORNIA ST STE 1300  
SAN FRANCISCO CA 94104-2652

<b>Item Description</b>	<b>Amount</b>
6/24/2009 Monetary Penalty Individual E-Case 2445 Docket 2009-080 LC	\$250.00
<b>Original Amount Due</b>	<u>\$250.00</u>

**UTAH  
Invoice - Original**

Invoice Date: June 24, 2009  
Balance Due: \$250.00  
Due Date: July 19, 2009  
Invoice ID: 417820  
Payor ID: 133862  
Payor Name: CHUNG, GAY

Make checks payable to: Utah Insurance Department

Send payment to:

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

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:

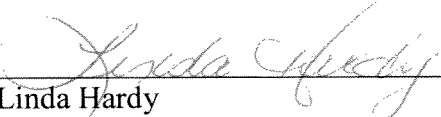
ORDER ON ORDER TO  
SHOW CAUSE

REVOCATION OF LICENSE

To the following:

**Gay Chung**  
**426 27<sup>th</sup> Street, 206A**  
**Oakland, CA 94612**

DATED this 1 st day of March 2010.

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