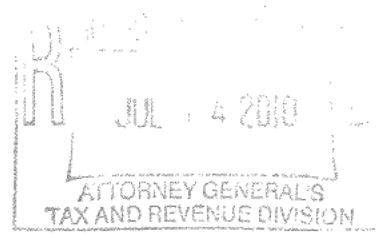



M. GALE LEMMON #4363  
Assistant Attorney General  
MARK L. SHURTLEFF #4666  
Attorney General  
Attorneys for Utah Insurance Department  
160 East 300 South, Fifth Floor  
P.O. Box 140874  
Salt Lake City, UT 84114-0874  
Telephone (801) 366-0375



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

|   |   |  |
|---|---|--|
| <b>COMPLAINANT:</b>   | : | <b>STIPULATION</b>                           |
|   | : | <b>&amp;</b>                                 |
| UTAH INSURANCE DEPARTMENT   | : | <b>ORDER</b>                                 |
| <b>RESPONDENTS:</b>   | : | <b>Docket No. <u>2010-043-PC</u></b>         |
| PABLO A. ALCALDE  | : | <b>Enf. Case Nos. <u>2471 &amp; 2472</u></b> |
| License Nos. 204113 & 118422  | : |  |
| REAL BAIL BOND  | : |  |
| License No. 240543  | : |  |
|  | : |  |

**STIPULATION**

1. Respondent, Pablo A. Alcalde (“Alcalde”), is a licensed resident insurance producer and a licensed bail bond surety agent in the State of Utah, holding License Nos. 204113 and 118422.
2. Respondent, Real Bail Bond (“Real”), is a license bail bond surety in the State of Utah, holding License No. 240543, and is owned by Respondent Alcalde.
3. Respondents stipulate with the Complainant, Utah Insurance Department, as follows:
  - a. If a hearing were held, witnesses called by the Complainant could offer and

introduce evidence that would support the Findings of Fact herein;

b. Respondents admit the Findings of Fact and Conclusions made therefrom;

c. Respondents stipulate to the summary entry of the Order herein which shall be in lieu of other administrative proceedings by Complainant in this matter; and

d. Respondents and Complainant have negotiated the terms of the Order entered herein and Respondents agree to its entry and further agree to be bound by all its terms.

4. Respondents are aware of their right to a hearing at which they may be represented by counsel, present evidence and cross-examine witnesses. Respondents have irrevocably waived their right to such hearing and to any appeal related thereto.

5. Respondents admit the jurisdiction of the State of Utah Insurance Commissioner as to all matters herein.

6. Respondents are acting herein free from any duress or coercion of any kind or nature, having been advised fully as to their rights set forth herein.

7. Respondents acknowledge that the issuance of this Order by the Commissioner is solely for the purpose of disposition of the matter entitled herein.

DATED this 13<sup>th</sup> day of July, 2010.

  
\_\_\_\_\_  
PABLO ALCALDE

  
\_\_\_\_\_  
REAL BAIL BONDS  
Pablo Alcalde, Owner

  
\_\_\_\_\_  
UTAH INSURANCE DEPARTMENT  
M. Gale Lemmon, Assistant Attorney General

Based upon the foregoing Stipulation and information in the file, the Presiding Officer makes the following Findings of Fact:

**FINDINGS OF FACT**

1. On or about March 24, 1981, Respondent Alcalde was convicted of violating 18 U.S.C. § 641, knowingly converting a thing of value of the United States to his own use, on March 24, 1981.

2. Despite this criminal conviction, in applications filed by Alcalde with the department on November 22, 2005, and January 18, 2006, he answered “No” to the questions concerning whether he had ever been convicted of a crime.

3. On July 16, 2008, the license of Respondent Real Bail Bond lapsed for non-renewal and was not reinstated until July 28, 2008. During that period of time, Respondent Real Bail Bond continued to issue bail bonds, issuing 8 bail bonds during that time.

4. Respondent Real Bail Bond’s license lapsed on July 15, 2009, when its application for renewal was denied.

Based upon the foregoing Stipulation and Findings of Fact, the Presiding Officer enters the following Conclusions of Law:

**CONCLUSIONS OF LAW**

1. In answering “No” to the question concerning whether he had ever been convicted of a crime when such was not the case, Respondent Alcalde violated Utah Code Annotated § 31A-2-202(6).

2. In continuing to act as a bail bond surety when its license had lapsed, Respondent Real violated Utah Code Annotated § 31A-35-401.

Based upon the foregoing Stipulation, Findings of Fact and Conclusions of Law, the Presiding Officer herewith enters the following Order:

**ORDER**

IT IS HEREBY ORDERED:

1. Respondents Pablo Alcalde and Real Bail Bonds are assessed a forfeiture, jointly and severally, in the amount of \$3,500.00, to be paid within 30 days of the date of this Order.

2. The license of Respondent Alcalde is placed on probation for a period of 24 months, beginning with the date of this Order. The terms of probation are that Respondent Alcalde shall pay the forfeiture assessed herein in a timely manner, shall not commit any crimes, other than minor traffic violations, shall not commit any violations of the Utah Insurance Code or Rules, or violate any order of the commissioner.

3. Respondent Real Bail Bonds license shall be renewed forthwith. Said license shall be renewed on a probationary status for a period of 24 months. The terms of probation are that Respondent Real shall pay the forfeiture assessed herein in a timely manner and shall not commit any violations of the Utah Insurance Code or Rules or violate any order of the commissioner.

4. All other matters complained of against the Respondents in this matter and not included in the Findings of Facts and Conclusions of Law herein are hereby dismissed.

**NOTIFICATION**


Respondents are hereby notified that failure to abide by the terms of this Order may subject them to further penalties, including additional forfeitures of up to \$5,000.00 per violation for an organization and of up to \$2,500.00 per violation for an individual, and the suspension or revocation of your licenses, and the filing of an action to enforce this Order in the District Court, which may impose penalties 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.

DATED this 15<sup>th</sup> day of July, 2010.

NEAL T. GOOCH  
INSURANCE COMMISSIONER

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