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UTAH STATE  
INSURANCE DEPT.

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BEFORE THE INSURANCE COMMISSIONER  
OF THE STATE OF UTAH

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**COMPLAINANT:**

UTAH INSURANCE DEPARTMENT

**RESPONDENT:**

JOSEPH ROSS  
786 Chadd Ford Lane #10  
Midvale, UT 84047  
License No. 327797

**STIPULATION AND ORDER**

Docket No. 2010-060 LC

Enf. Case No. 2531

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**STIPULATION**

1. Respondent, Joseph Ross is a licensed insurance agent in the State of Utah, holding License No. 327797.
2. Respondent stipulates 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. Respondent admits the Findings of Fact and Conclusions made therefrom;
  - c. Respondent stipulates to the summary entry of the Order herein which

shall be in lieu of other administrative proceedings by Complainant in this matter; and

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

3. Respondent is aware of his right to a hearing at which he may be represented by counsel, present evidence and cross-examine witnesses. Respondent has irrevocably waived his right to such hearing and to any appeal related thereto.

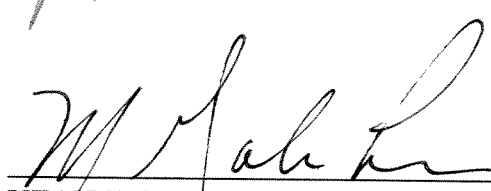
4. Respondent admits the jurisdiction of the State of Utah Insurance Commissioner as to all matters herein.

5. Respondent is acting herein free from any duress or coercion of any kind or nature, having been advised fully as to his rights set forth herein.

6. Respondent acknowledges that the issuance of this Order by the Commissioner is solely for purpose of disposition of the matter entitled herein.

DATED this 10 day of April, 2010.

  
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JOSEPH ROSS

  
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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. Respondent Joseph Ross applied for a resident provider license on or about September 8, 2009.
2. Respondent answered “no” to the application question, “Have you ever been convicted of a crime?”
3. A routine background check by the Department found that Respondent had been convicted of two misdemeanor offenses. The first conviction was in 2002 for resisting an officer. The second was in 2003 for obstructing the police.
4. Respondent admits he mis-read the application question, and that he did not disclose the misdemeanor convictions on his application for license.

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

**CONCLUSIONS OF LAW**

1. Utah Code Ann §31A-23a-105(2)(b)(ii) requires that an applicant for a pending individual producer license to report to the commissioner a criminal prosecution taken against the person in any jurisdiction.
2. Utah code Ann. § 31A-2-202(6) mandates that all information submitted to the commissioner shall be accurate and complete.
3. By answering “no” to the application question concerning any criminal conviction,

Respondent violated the above statutory provisions.

4. An administrative forfeiture of \$500.00 and probation for a period of 12 months is appropriate under the circumstances.

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. Respondent Joseph Ross is assessed an administrative forfeiture of \$500.00 to be paid to the Utah Insurance Department within 30 days of issuance of this Order.

2. Respondent Joseph Ross is placed on probation for a period of 12 months beginning from the date of this Order. The terms of probation are that Respondent shall pay the administrative forfeiture in a timely manner and shall have no further violations of the Utah Insurance Code or Rules or any order of the Commissioner.

**NOTIFICATION**

Respondent is hereby notified that failure to abide by the terms of this Order may subject you to further penalties, including additional forfeitures of up to \$5,000.00 per violation and the suspension or revocation of your license, 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.

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You are further notified that other jurisdictions in which you may be licensed may require that you report this action to them.

DATED this 10 day of April, 2010.

NEAL T. GOOCH  
Acting Insurance Commissioner



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MARK E. KLEINFELD  
Administrative Law Judge  
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