

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

IN RE THE APPLICATION OF:	:	ORDER ON HEARING
	:	
REBECCA LEE NAYLOR	:	
310 West Bearcat Drive	:	Docket No. <u>2010-071-LC</u>
Salt Lake City, UT 84115	:	
License Pending	:	Enf. Case No. <u>2533</u>
	:	

THIS MATTER concerning whether the Applicant’s application for an individual resident producer license should be denied came on to be heard before the Commissioner of the Utah Insurance Department (“Department”) on Wednesday, the 16th day of June, 2010, at 9:00 o’clock a.m., mountain time, with Mark E. Kleinfield, Administrative Law Judge, serving as the designated Presiding Officer.

Appearances:

M. Gale Lemmon, Assistant Attorney General, attorney for the Utah Insurance Department, 160 East 300 South, Fifth Floor, P.O. Box 140874, Salt Lake City, Utah 84114-0874.

The Applicant, Rebecca Lee Naylor, failed to appear, either in person or through counsel.

Default:

Based on a motion made in hearing by the attorney for the Department, M. Gale Lemmon, Assistant Attorney General, and the failure of the Applicant to appear, the default of the Applicant was entered, and the Department proffered its evidence in this matter.

Exhibits:

The Department tendered the following items already a part of the administrative file:

1. Copy of Applicant's September 22, 2009 application.
2. Copy of "Explanation of criminal background" submitted as part of the application by the applicant.
3. Letter dated 2 October 2009, from the Utah Department of Public Safety, regarding Applicant's need to clear an outstanding warrant.
4. Utah Criminal History Record for Applicant dated October 5, 2009.
5. FBI Criminal History Record for Applicant as of October 2, 2009.
6. Letter denying Applicant's application from Department dated October 8, 2009.
7. Applicant's request for a hearing received in the department October 8, 2009.

The Department also offered 14 exhibits concerning criminal and civil court proceeding concerning the Applicant, which were accepted and entered into the record. (SEE file).

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

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

2. The Applicant, Rebecca Lee Naylor:

- a. is a resident of the State of Utah and maintains a present residence of 4046 South Burningham Drive, West Valley City, Utah 84119; and
- b. has not previously been nor is presently licensed by the Department as a resident producer to conduct or be engaged in the insurance business in the State of Utah.

3. The Applicant filed her application with the Department for an individual resident producer license on September 22, 2009.

4. The department denied the Applicant’s application for a Utah resident producer license in writing on October 8, 2009, for:

“Failure to meet the character requirement for licensing pursuant to Utah Code Annotated § 31a-23a-107; and

Failure to pay a final judgment rendered against you in this state pursuant to Utah Code Annotated § 31A-23a-111(5)(b)(iv).”

5. Said denial notified Respondent of her right to an “informal hearing” if a request is made in writing within fifteen (15) days.

6. The Applicant filed a request for a hearing with the department on October 8, 2009.

7. On May 18, 2010, a Notice of Conversion to Formal Proceeding and Notice of

Hearing was issued and mailed to the Applicant the following day to the business address provided in her Application.

8. Applicant's criminal history, beginning in November 2003, and extending through April 2008, including convictions for Retail Theft, a class A misdemeanor, several convictions for failing to appear in court proceedings, class B misdemeanors, and several convictions of driving on a denied and/or suspended license, class B misdemeanors, demonstrate that the Applicant does not have an appreciation for the rule of law and does not meet the character requirements of being competent and trustworthy.

9. The Applicant failed to pay more than one judgment rendered against her in this state within 60 days of the judgment becoming final.

Based on the forgoing Findings of Fact, the Presiding Officer now enters the following:

CONCLUSIONS OF LAW

1. The Applicant fails to meet the character requirements to hold an insurance agent's license under Utah Code Annotated § 31A-23a-107(2).

2. The Applicant's failure to pay judgments rendered against her in this state within 60 days of the judgment becoming final is grounds for denial of her application under Utah Code Annotated § 31A-23a-111(5)(b)(iv).

3. The Department's denial of the Applicant's application for a resident producer license should be upheld.

Based on the preceding Findings of Fact and Conclusions of Law, the Presiding Officer

enters the following:


ORDER

IT IS HEREBY ORDERED:

The denial of the Applicant Rebecca Lee Naylor's application of a resident producer's license is upheld and her application is denied.

DATED this 27th day of October, 2010.

NEAL T. GOOCH
INSURANCE COMMISSIONER



MARK E. KLEINFELD

Administrative Law Judge and Presiding Officer
Utah Insurance Department
Room 3110, State Office Building
Salt Lake City, UT 84114
Telephone (801) 538-3800
Facsimile (801) 538-3829
Email: Mkleinfield@utah.gov

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 ON HEARING

To the following:

Rebecca Lee Naylor
310 West Bearcat Drive
Salt Lake City, UT 84115

DATED this 27th day of October, 2010



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