

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 November 29, 2009 application.
2. Utah Criminal History Record for Applicant dated December 2, 2009.
3. FBI Criminal History Record for Applicant as of December 2, 2009.
4. Letter denying Applicant's application from Department dated December 16, 2009.
5. Applicant's request for a hearing sent by facsimile to the department December 28, 2009.

The Department also offered one (1) exhibit concerning the criminal conviction of the Applicant for shoplifting, a class B misdemeanor on November 19, 2009, which was 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, Erin Loy:

- a. is a resident of the State of Utah and maintains a present residence of [REDACTED] and [REDACTED]
- 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 November 29, 2009.

4. The department denied the Applicant's application for a Utah resident producer license in writing on December 16, 2009, for:

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

Utah Code Annotated § 31A-23a-111(5)(b)(ix) – Providing information in the license application that was incorrect, misleading, or materially untrue.”

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 December 28, 2009.

7. On June 29, 2010, a Notice of Conversion to Formal Proceeding and Notice of Hearing was issued and mailed to the Applicant the same day to the residence address provided

in her Application.

8. Applicant's conviction for Retail Theft, a class B misdemeanor on November 19, 2009, demonstrates that the Applicant does not meet the character requirements of being competent and trustworthy.

9. Applicant provided false information regarding her criminal history in her application for an insurance producer's license.

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. Providing false information in an application for a license is grounds for denial of that application under Utah Code Annotated § 31A-23a-111(5)(b)(ix).

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:

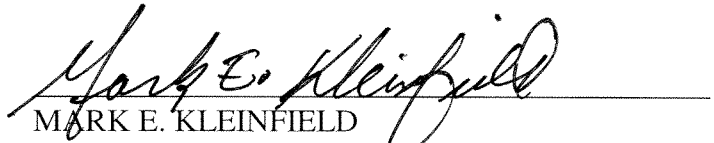
ORDER

IT IS HEREBY ORDERED:

The denial of the Applicant Erin Loy's application of a resident producer's license is upheld and her application is denied.

DATED this 9th day of September, 2010.

NEAL T. GOOCH
INSURANCE COMMISSIONER



Handwritten signature of Mark E. Kleinfeld in cursive script, written over a horizontal line.

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