

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 January 25, 2010 application.
2. Utah Criminal History Record for Applicant dated February 2, 2010.
3. An email from the Applicant to Department licensing personnel regarding the answer to the criminal conviction question and to the unpaid taxes question on the application, dated February 16, 2010.
4. Letter denying Applicant's application from Department dated February 17, 2010.
5. Applicant's request for a hearing dated March 1, 2010, and received in the Department offices on March 3, 2010.

The Department also offered six (6) exhibits concerning a conviction for Issuing a Bad Check, a class B misdemeanor, an outstanding tax lien, two unpaid civil judgments, and a Chapter 7 bankruptcy filing, 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, Jason A. Jafari:

- a. is a resident of the State of Utah and maintains a present residence of [REDACTED] [REDACTED]; 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 his application with the Department for an individual resident producer license on January 25, 2010.

4. The department denied the Applicant’s application for a Utah resident producer license in writing on January 17, 2010, for:

“Providing information in a license application that was incorrect, misleading or materially untrue pursuant to Utah Code Annotated § 31A-23a-111(5)(b)(ix);

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

Failure to pay state income tax, or comply with an administrative or court order directing payment of state income tax pursuant to Utah Code Annotated § 31A-23a-111(5)(b)(xxii); and

Demonstrating incompetence, untrustworthiness, or financial irresponsibility pursuant to

Utah Code Annotated § 31a-23a-111(5)(b)(xvi)(B).”

5. Said denial notified Respondent of his 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 March 3, 2010.

7. On July 6, 2010, a Notice of Conversion to Formal Proceeding and Notice of Hearing was issued and mailed to the Applicant the following day to the residence address provided in his Application.

8. Applicant’s conviction for Issuing a Bad Check, a class B misdemeanor demonstrates that the Applicant does not meet the character requirements of being competent and trustworthy.

9. The Applicant has an unpaid tax lien against him and has two civil judgments issued against him in this state that remained unpaid 60 day after those judgments became final.

10. Applicant answered “No” to the question in his application as to whether he has ever been convicted of a crime when he knew that such was not the case.

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. It is grounds to deny the Applicant’s application that he failed to pay final judgments issued against him in this state within 60 days after the judgments became final under Utah Code Annotated § 31A-23a-0111(5)(b)(iv).

3. It is further grounds to deny the Applicant’s application that he has failed to pay a tax

lien under Utah Code Annotated § 31A-23a-111(5)(b)(xxii).

4. The Applicant provided incorrect, misleading, or materially untrue information in his application by denying any criminal conviction when such was not the case, justifying the denial of that application under Utah Code Annotated § 31A-23a-111(5)(b)(ix).

5. 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 Jason A. Jafari's application for a resident producer's license is upheld and his application is denied.

DATED this 9th day of September, 2010.

NEAL T. GOOCH
INSURANCE COMMISSIONER



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