

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

IN RE THE APPLICATION OF:

RONALD LEE THOMAS



License Pending

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ORDER ON HEARING

Docket No. 2010-136-LC

Enf. Case No. 2661

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 Thursday, the 14th day of October, 2010, at 10:30 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, Ronald Lee Thomas, 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 March 6, 2010 application.
2. Utah Criminal History Record dated March 10, 2010, on the Applicant
3. FBI report on the Applicant dated March 10, 2010.
4. An undated letter from the Applicant to Department personnel regarding "No" answer to the criminal history question in his application, faxed to the department March 16, 2010.
5. Letter denying Applicant's application from Department dated March 18, 2010.
6. Applicant's undated request for a hearing received in the Department offices on March 29, 2010.

The Department also offered nine (9) exhibits concerning a number of misdemeanor convictions and four unpaid civil judgments issued in this state. (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, Ronald Lee Thomas:

- 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 his application with the Department for an individual resident producer license on March 6, 2010.

4. The department denied the Applicant's application for a Utah resident producer license in writing on March 18, 2010, for:

"Providing incorrect, misleading, incomplete, or materially untrue information in the license application, pursuant to Utah Code Annotated § 31A-23a-111(5)(b)(ix), and Failure to pay a final judgment rendered against you in this state, pursuant to Utah Code Annotated § 31a-23a-107."

5. Said denial notified Respondent of his right to a 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 29, 2010.

7. On September 14, 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 his Application, setting the hearing for Wednesday, October 13, 2010 at 2:30 p.m. in the offices of the Department. On September 28, 2010, a Notice of Continuance was mailed to the Applicant at his residence address provided in his Application, continuing the hearing to

Thursday, October 14, 2010, at 10:30 a.m.

8. The Applicant failed to appear at the hearing, and no contact was received by the department from the applicant regarding attending the hearing.

9. The Applicant was convicted of the crime of theft, as class B misdemeanor and driving without ever obtaining a license, DUI, and driving without or expired registration, class B and C misdemeanors, and did not report those convictions on his application.

10. The Applicant failed to pay a number of civil judgments issued against him in this state within 60 days of the entry of those judgments.

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

CONCLUSIONS OF LAW

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

2. Applicant provided information on his application that was incorrect, misleading or materially untrue which is grounds for denial of his application under Utah Code Annotated § 31A-23a-111(5)(b)(ix).

4. 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 Ronald Lee Thomas' application for a resident producer's license is upheld and his application is denied.

DATED this 19th day of October, 2010.

NEAL T. GOOCH
INSURANCE COMMISSIONER



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