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

<b>COMPLAINANT:</b>	:	<b>AMENDED NOTICE OF INFORMAL ADJUDICATIVE PROCEEDING AND ORDER</b>
UTAH INSURANCE DEPARTMENT	:	
	:	
<b>RESPONDENT:</b>	:	
	:	
UTAH BUSINESS INSURANCE CO., INC	:	DOCKET No. <u>2010-138-EX</u>
10150 Centennial Parkway, Suite 100	:	
Sandy, UT 84070-4274	:	Enf. Case No. <u>2680</u>
Utah Co. Id. No. 15143	:	

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The Utah Insurance Department has commenced this informal adjudicative proceeding pursuant to Utah Code Annotated §§ 31A-2-201 and 63G-4-201 and Utah Administrative Code Rule R590-160. Based upon information contained in agency files or known to the Commissioner, the Commissioner makes the following:

**FINDINGS OF FACT**

1. Respondent, Utah Business Insurance Company, Inc., is an insurer domiciled and authorized to do the business of insurance in the State of Utah, Utah Company Identification Number 15143.

2. The Department conducted an examination of the financial condition of the Respondent as of December 31, 2007.

3. In its examination of the Respondent, the Department found that the Respondent had failed to maintain current and accurate information regarding agency and individual appointments with the Utah Insurance Department.

4. During the period 2006 to 2007, the Respondent reported fifty-six (56) agencies acting on its behalf, but had only appointed thirty-three (33) with the Department.

5. During the same period, the Respondent did not have records of individual insurance producers appointed with the company, while the Department Records showed one hundred sixty-six (166) individual producer appointments.

Having entered his Findings of Fact, the Commissioner now enters his:

#### **CONCLUSION OF LAW**

1. In failing to maintain current and accurate information regarding its agency and individual producer appointments with the Utah Insurance Department, Respondent violated Utah Code Annotated § 31A-23a-115.

Based upon the foregoing Findings of Fact and Conclusions of Law, the Commissioner now enters the following:

#### **ORDER**

**IT IS HEREBY ORDERED:**

1. Respondent is assessed an administrative forfeiture in the amount of \$10,000.00. The amount of \$8,500.00 is hereby suspended, and Respondent shall pay the balance of the forfeiture, an amount of \$1,500.00 no later than ten (10) days after the date this Order becomes final.

2. The suspended portion of the forfeiture shall be dismissed 12 months after the date of this Order if the Respondent has not been found to be in further violation of the Utah Insurance Code or Rules or any order of the commissioner.

3. This Order shall become final fifteen (15) days after the date of mailing unless a written request for a hearing is received from the Respondent in the offices of the department prior to that date. A written request for a hearing shall be signed by the person making the request and shall state the basis for the relief requested.

### **NOTIFICATION**

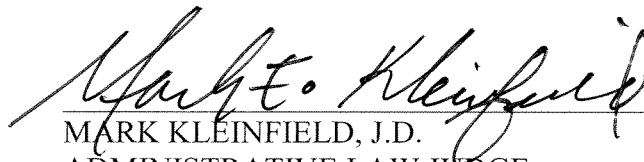
If you request a hearing regarding this matter, the department will be represented by M. Gale Lemmon, Assistant Attorney General, 160 East 300 South, Fifth Floor, P.O. Box 140874, Salt Lake City, Utah 84114-0874, Telephone Number (801) 366-0375. Failure to request a hearing will be considered a failure to exhaust administrative remedies and will preclude any further administrative or judicial review or appeal of this matter.

You are further notified that a failure to obey an Order of the commissioner may subject you to further penalties, including the lifting of the suspension on the remaining amount of the forfeiture assessed herein, the assessment of additional forfeitures of up to \$5,000.00 per violation and the suspension or revocation of your license and the filing of an action in District Court, which may impose forfeitures of up to \$10,000.00 per day for continued violation.

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

DATED THIS 28<sup>th</sup> day of September, 2010.

NEAL T. GOOCH  
INSURANCE COMMISSIONER



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MARK KLEINFELD, J.D.  
ADMINISTRATIVE LAW JUDGE  
Utah Insurance Department  
State Office Building, Room 3110  
Salt Lake City, Utah 84114  
Telephone (801) 538-3800