

RECEIVED

DEC 06 2010

UTAH STATE
INSURANCE DEPT

M. GALE LEMMON #4363
Assistant Attorney General
MARK L. SHURTLEFF #4666
Attorney General
160 East 300 South, fifth Floor
PO Box 140874
Salt Lake City, UT 84114-0874
Telephone: 801.366.0375
Facsimile: 801.366.0378

BEFORE THE INSURANCE COMMISSIONER
OF THE STATE OF UTAH

COMPLAINANT:

UTAH INSURANCE DEPARTMENT

RESPONDENT:

JAMES SCOTT NOORDA
965 E. Murray-Holliday Rd. Suite 3G
Salt Lake City, UT 84117
License No. 136135

STIPULATION AND ORDER

Docket No. 2010-174 LC

Enf. Case No. 2731

STIPULATION

1. Respondent, James Scott Noorda is a resident licensed insurance producer in the State of Utah holding License No. 136135.
2. Respondent stipulates with the Complainant, Utah Insurance Department, as follows:
 - a. If a hearing were held, witnesses called by the Complainant could offer and introduce evidence that would support the Findings of Fact herein;
 - b. Respondent admits the Findings of Fact and Conclusions made therefrom;
 - c. Respondent stipulates to the summary entry of the Order herein which

shall be in lieu of other administrative proceedings by Complainant in this matter; and

d. Respondent and Complainant have negotiated the terms of the Order entered herein and Respondent agrees to its entry and further agrees to be bound by all its terms.

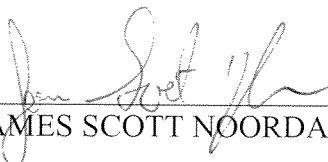
3. Respondent is aware of his right to a hearing at which he may be represented by counsel, present evidence and cross-examine witnesses. Respondent has irrevocably waived his right to such hearing and to any appeal related thereto.

4. Respondent admits the jurisdiction of the State of Utah Insurance Commissioner as to all matters herein.

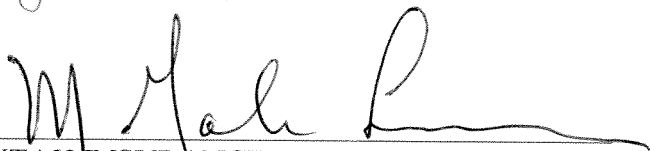
5. Respondent is acting herein free from any duress or coercion of any kind or nature, having been advised fully as to his rights set forth herein.

6. Respondent acknowledges that the issuance of this Order by the Commissioner is solely for purpose of disposition of the matter entitled herein.

DATED this 29 day of November, 2010.



JAMES SCOTT NOORDA, Licensee



UTAH INSURANCE DEPARTMENT
M. Gale Lemmon
Assistant Attorney General

Based upon the foregoing Stipulation and information in the file, the Presiding Officer makes the following Findings of Fact:

FINDINGS OF FACT

1. On August 24, 2010, an employee of the Utah Insurance Department discovered that Respondent, James Scott Noorda, had been convicted of crimes that had not been reported to the Department.

2. Further investigation revealed that on May 13, 2003, Respondent was charged with unlawful sexual activity with a minor, a third degree felony, in Third District Court for the State of Utah. On October 20, 2003, Respondent was convicted. Respondent served an imposed jail term, paid a fine, and subsequently successfully completed probation.

3. On January 1, 2007, the Respondent was charged in Fourth District Court for the State of Utah with failure to register with the sex offender registry. Respondent plead guilty on July 31, 2008. Respondent served an imposed jail term, paid a fine, and was subsequently approved for early successful termination of probation.

4. During the period following the unreported 2003 and 2008 criminal charges and convictions to August 24, 2010, the Respondent had renewed his insurance license three times.

5. On September 9, 2010, the Respondent was interviewed by a Market Conduct Examiner. At that time he stated he misunderstood the reporting requirement and had made the assumption that it applied only to insurance related crimes. However, Respondent did take full accountability, cooperated in the investigation, and has agreed to the terms of this Stipulation and Order.

Based upon the foregoing Stipulation and Findings of Fact, the Presiding Officer enters the following Conclusions of Law:

CONCLUSIONS OF LAW

1. Utah Code Ann. §31A-23a-105 requires a Department licensee to report to the Commissioner any criminal action taken against the licensee within 30 days of the initial appearance before a court, and to include a copy of the complaint or other legal documents related to the action or prosecution.

2. Respondent, James Scott Noorda, violated Section 31A-23a-105 when he failed to report the criminal charges brought on May 13, 2003 and May 21, 2008 to the Commissioner as required by Section 31A-23a-105.

3. An administrative forfeiture in the amount of \$3,000.00 and probation for a period of 24 months is appropriate under the circumstances.

Based upon the foregoing Stipulation, Findings of Fact and Conclusions of Law, the Presiding Officer herewith enters the following Order:

ORDER

IT IS HEREBY ORDERED:

1. An administrative forfeiture in the amount of \$3,000.00 is assessed against Respondent James Scott Noorda..


2. The forfeiture shall be paid to the Commissioner in five (5) equal installments with the

first payment of \$600.00 being due within thirty days following the date this Order is signed, with each successive payment due each 30 days thereafter.

3. Probation for a period of 24 months is imposed on Respondent commencing with the date of this Order. The terms of probation are that Respondent shall have no further violations of the Utah Insurance Code, Department Rules, or any Order of the Commissioner. If any scheduled payment of the forfeiture is missed, the delinquency shall be considered a violation of probation and the total amount remaining becomes immediately due and payable.

DATED this 29 day of November, 2010.

NEAL T. GOOCH
Insurance Commissioner



MARK E. KLEINFELD
Administrative Law Judge
Utah Insurance Department
State Office Building, Room 3110
Salt Lake City, Utah 84114
Telephone: (801) 538-3800

NOTIFICATION

Respondent is hereby notified that failure to abide by the terms of this Order may subject you to further penalties, including additional forfeitures of up to \$5,000.00 per violation and the suspension or revocation of your license, and the filing of an action to enforce this Order in the District Court, which may impose penalties 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.



Insurance Department

State of Utah

GARY R. HERBERT
Governor

GREG BELL
Lieutenant Governor

NEAL T. GOOCH
Commissioner

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:

STIPULATION & ORDER

To the following:

James Scott Noorda
965 E. Murray-Holliday Rd. Suite G
Salt Lake City, UT 84117

DATED this 14th day of December, 2010

A handwritten signature in cursive script, appearing to read "Linda Hardy", written over a horizontal line.

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

**UTAH
Invoice - Original**

Printed Date: December 14, 2010
Invoice Date: December 14, 2010
Balance Due: \$3,000.00
Due Date: January 13, 2011
Invoice ID: 487561
Payor ID: 65997

NOORDA JAMES SCOTT
965 E MURRAYHOLLIDAY RD STE 3G
SALT LAKE CITY UT 84117

Item Description	Amount
12/14/2010 Monetary Penalty Individual E-case 2731 Docket	\$3,000.00
Original Amount Due	<u>\$3,000.00</u>
Payments Received	
	<u>Balance Due</u>

**UTAH
Invoice - Original**

Invoice Date: December 14, 2010
Balance Due: \$3,000.00
Due Date: January 13, 2011
Invoice ID: 487561
Payor ID: 65997
Payor Name: NOORDA, JAMES
SCOTT

Make checks payable to: Utah Insurance Department

Send payment to:

Utah Insurance Department
3110 State Office Building
Salt Lake City, UT 84114-6901

James Scott Noorda
965 E. Murray-Holliday Rd. Suite G
Salt Lake City, UT 84117