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

COMPLAINANT:	:	NOTICE OF INFORMAL ADJUDICATIVE PROCEEDING AND ORDER
UTAH INSURANCE DEPARTMENT	:	
RESPONDENT:	:	Docket No. <u>2011-025 LC</u>
RESPONDENT:	:	
DAVID JASON LANDERS	:	Enf. Case No. <u>2734</u>
c/o VIMO Inc.	:	
2110 Newmarket Parkway, Suite 200	:	
Marietta GA 30067	:	
License No. 362890	:	
:	:	

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 is a non-resident insurance agent authorized to do the business of insurance in the State of Utah holding License number 362890.

2. Respondent submitted an application for a non-resident insurance agent's license to the department on August 29, 2010. In his application, Respondent answered "No" to the question "Have you ever been named or involved as a party in an administrative proceeding regarding any professional license?"

3. A routine check of the NAIC website found an action in the state of Indiana in which the Respondent was fined \$1,500.00 on June 11, 2010.

4. Without the knowledge that there was an administrative action to be reported, a licensing representative of Vimo Inc. completed the application on behalf of Respondent, submitting a false verification.

5. When the Respondent was contacted by a Department investigator about the Indiana action, Respondent stated that he had assisted an individual residing in Indiana without an active license. He thought he had obtained a license in that state, but had not. Once he became aware of the situation he took steps to immediately secure a license in all states.

6. Respondent's license was issued based on his agreement with the penalty imposed below.

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(2)(b)(I) requires that an applicant for a pending individual producer license to report to the commissioner, at the time of application, any administrative action taken against the individual in any jurisdiction.

2. Utah code Ann. § 31A-2-202(6) mandates that all information submitted to the commissioner shall be accurate and complete.

3. By answering “No” to the application question concerning any administrative action taken against him, Respondent violated the above statutory provisions.

4. An administrative forfeiture of \$500.00 and probation for a period of 12 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. Respondent David Jason Landers is assessed an administrative forfeiture of \$500.00 to be paid to the Utah Insurance Department within 10 days of the date this Order becomes final.

2. Respondent David Jason Landers’ licensee is placed on probation for a period of 12 months beginning from the date of this Order becomes final. The terms of probation are that Respondent shall pay the administrative forfeiture in a timely manner and shall have no further violations 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 forfeitures of up to \$2,500.00 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 17th day of March ~~2010.~~ ^{2011. *MB*}

NEAL T. GOOCH
INSURANCE COMMISSIONER


MARK KLEINFELD, J.D.

ADMINISTRATIVE LAW JUDGE
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