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UTAH STATE
INSURANCE DEPT.

BEFORE THE INSURANCE COMMISSIONER
OF THE STATE OF UTAH

COMPLAINANT:

UTAH INSURANCE DEPARTMENT

RESPONDENT:

STEWART CLINT NIELSEN


License No. 144719

STIPULATION AND ORDER

Docket No. 2011-016 PC

Enf. Case No. 2757

STIPULATION

1. Respondent, Stewart Clint Nielsen is a licensed bail bond agent in the State of Utah, holding License No. 144719.

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 2nd day of February, 2011.


STEWART CLINT NIELSEN


UTAH INSURANCE DEPARTMENT
M. Gate 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 or about November 10, 2010, the Department received a Complaint from a St. George bail bond agent alleging that Respondent was not affiliated with a bail bond agency but was nevertheless writing bail bonds for Hy and Mikes Bail Bonding.

2. An investigation and a telephone call to Hy and Mikes Bail Bonding agency determined that Respondent was not designated with that agency.

3. The investigation revealed that on March 31, 2008, Respondent allowed his bail bond agent license to lapse which ended his designation to Hy and Mikes Bail Bonding. On June 16, 2008, Respondent renewed his bail bond agent license, but was not designated to Hy and Mikes Bail Bonding although he continued to write bail bonds for the agency.

4. On November 16, 2010, both the Respondent and Hy and Mikes Bail Bonding were contacted by the Department investigator and informed that Respondent could not continue to write bonds until he was designated to the agency and the designation had been updated through SIRCON.

5. On November 17, 2010, the association between Respondent and Hy and Mikes Bail Bonding was updated through SIRCON.

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-35-402 (2009) sets forth the requirements for authority related

to bail bonds as follows:

- (1) A bail bond surety company may only issue bail bonds.
- (2) **In accordance with Section 31A-23a-205, a bail bond producer may not execute or issue a bail bond in this state without holding a current appointment from a bail bond surety or current designation from a bail bond company.**
- (3) A bail bond surety may not allow any person who is not a bail bond producer to engage in the bail bond surety business on the bail bond surety's behalf, except for individuals:
 - (a) employed solely for the performance of clerical, stenographic, investigative, or other administrative duties that do not require a license as:
 - (I) a bail bond surety company; or
 - (ii) a bail bond producer; and
 - (b) whose compensation is not related to or contingent upon the number of bonds written.

(Emphasis added.)

2. Respondent Stewart Clint Nielsen violated the above statute by failing to update his designation to an agency when he renewed his bail bond agent license in June of 2008.
3. An administrative forfeiture of \$500.00 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 Stewart Clint Nielsen is assessed an administrative forfeiture in the amount of \$500.00 to be paid to the Utah Department of Insurance within 30 days of the issuance of this Order.

NOTIFICATION

You are hereby notified that a failure to obey and Order of the Commissioner may subject

you to further penalties, including forfeiture of up to \$2,500 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 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 15th day of March, 2010.

NEAL T. GOOCH
Insurance Commissioner



MARK E. KLEINFELD
Administrative Law Judge
Utah Insurance Department
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