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UTAH STATE
INSURANCE DEPT.

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BEFORE THE INSURANCE COMMISSIONER
OF THE STATE OF UTAH

COMPLAINANT:

UTAH INSURANCE DEPARTMENT

RESPONDENT:

BONNIE COLLEEN NIELSEN


License No. 200754

STIPULATION AND ORDER

Docket No. 2011-017 PC

Enf. Case No. 2758

STIPULATION

1. Respondent, Bonnie Colleen Nielsen is a licensed bail bond agent in the State of Utah, holding License No. 200754.

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 her right to a hearing at which she may be represented by counsel, present evidence and cross-examine witnesses. Respondent has irrevocably waived her 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 her 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 2 day of march, 2011.


BONNIE COLLEEN NIELSEN


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 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 May 31, 2009, Respondent's bail bond license lapsed which ended her designation to Hy and Mikes Bail Bonding. On September 9, 2009, Respondent's license was reinstated, but Respondent was not designated to Hy and Mikes Bail Bonding although she 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 she 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.

6. For the period September 9, 2009 through November 17, 2010, Respondent had executed/issued bonds with no agency designation.

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 Bonnie Colleen Nielsen violated Section 31A-35-402(2) by failing to be designated to an agency when she reinstated her license in September of 2009.

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 Bonnie Colleen 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 \$5,000 per violation and the suspension or revocation of your license and the filing of an action in district court, which may impose forfeitures of us 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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