

M. GALE LEMMON #4363  
Assistant Attorney General  
MARK L. SHURTLEFF #4666  
Attorney General  
Attorneys for Utah Insurance Department  
160 East 300 South, Fifth Floor  
P.O. Box 140874  
Salt Lake City, UT 84114-0874  
Telephone: 801.366.0375

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APR 21 2011

UTAH STATE  
INSURANCE DEPT.

BEFORE THE INSURANCE COMMISSIONER  
OF THE STATE OF UTAH

**COMPLAINANT:**

UTAH INSURANCE DEPARTMENT

**RESPONDENT:**

KIM KEITH PAYNE  
PO Box 957  
Salt Lake City, UT 84110  
License No. 208359

**STIPULATION AND ORDER**

Docket No. 2011-052 LC

Enf. Case No. 2810

**STIPULATION**

1. Respondent Kim Keith Payne is a resident insurance producer in the State of Utah holding license No. 208359.
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.

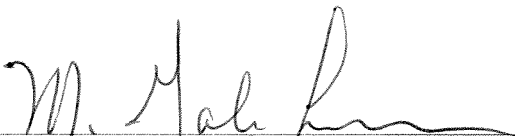
4. Respondent admits the jurisdiction of the State of Utah Insurance Commissioner as to all matters herein.

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 19 day of April, 2011.

  
KIM KEITH PAYNE

  
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 February 4, 2008, Respondent entered a plea of “no contest” to three class A misdemeanor counts of sexual battery. Respondent also entered a plea of “no contest” to a 3<sup>rd</sup> degree felony of unlawful conduct with a 16 or 17 year old. The felony plea was held in abeyance pending successful completion of probation.
2. On October 27, 2009, the Respondent successfully completed his probation and the felony charge was dismissed.
3. Respondent failed to report the criminal charges and convictions to the Department and failed provide the documentation required.
4. When contacted by the investigator, Respondent fully cooperated and took responsibility for his actions.

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 that a licensed individual or agency producer report to the commissioner any criminal prosecution taken against the person in any jurisdiction. The report is to be filed at the time the person files an application for a license or within 30 days of the initial appearance before the court. In addition, the report must include a copy of the complaint or other relevant documents related to the action or prosecution.
2. By failing to report the above charges and conviction to the commissioner,

Respondent violated the above statutory provision.

3. An administrative forfeiture in the amount of \$500.00 is appropriate in this matter.

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:**

Respondent Kim Keith Payne is hereby assessed an administrative forfeiture of \$500.00 to be paid to the Commissioner within 30 days of entry of this Order.

DATED this \_\_\_\_\_ day of APR 25 2011, 2011.

NEAL T. GOOCH  
Insurance Commissioner



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

**NOTIFICATION**

You are hereby notified that a failure to obey an Order of the Commissioner may subject you to further penalties, including forfeiture 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 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.