

M. GALE LEMMON #4363 *MGL*
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

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

COMPLAINANT:

UTAH INSURANCE DEPARTMENT

RESPONDENT:

NEBO TITLE INSURANCE AGENCY, LLC
582 South 1750 East
Spanish Fork, Utah 84660
Attn: Michael McKell

License No. 260350

**NOTICE OF INFORMAL
ADJUDICATIVE PROCEEDING
AND ORDER**

DOCKET No. 2011-054 PC

Enforcement Case No. 2822

The Utah Insurance Department has commenced this informal adjudicative proceeding pursuant to Utah Code Ann. §§ 31A-2-101 and 63-46b-3 and Utah Admin. Code 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 licensed title insurance agency in the State of Utah.
2. Respondent failed to file an Annual Report and a Controlled Business Report for the calendar year 2009 with the Commissioner by the thirtieth day of April 2010.
3. Respondent failed to respond to an inquiry of the Commissioner dated August 23,

2010 requesting the filing of its Annual Report and Controlled Business Report for calendar year 2009.

4. Respondent failed to respond to a final inquiry of the Commissioner dated January 20, 2011 requesting the filing of its Annual Report and Controlled Business Report for calendar year 2009.

5. Respondent failed to pay the title insurance assessment due by December 30, 2010.

6. As of the date of this Notice of Informal Adjudicative Proceeding and Order, no response has been received and the time for response and any extensions granted has expired.

Having entered his Findings of Fact, the Commissioner now enters his:

CONCLUSION OF LAW

1. In failing to file an Annual Report and a Controlled Business Report with the Commissioner when due, Respondent violated Utah Code Ann. §31A-23a-413 and Utah Admin. Code, Rule R592-11-4, R592-11-5, and R592-11-6.

2. In failing to submit a timely response to an inquiry from the Commissioner, the Respondent violated Utah Code Ann. Subsection 31A-2-202(4).

3. In failing to pay an assessment when due, Respondent violated Utah Code Ann. §31A-23a-415 and Utah Administrative Code R592-9 and R592-10.

Based upon the foregoing Findings of Fact and Conclusions of Law, the Commissioner now enters the following:

ORDER

IT IS HEREBY ORDERED:

1. Respondent shall pay an administrative forfeiture in the amount of \$2,500.00. Said forfeiture shall be paid no later than ten (10) days after the date this Order becomes final.

2. Respondent shall provide a substantive response to the Commissioner's inquiries to be received in the offices of the Utah Insurance Department no later than ten (10) days after the date this Order becomes final.

3. Respondent shall properly file the documents herein found not to be properly filed, to be received in the offices of the Utah Insurance Department no later than ten (10) days after this Order becomes final.

3. Respondent shall pay all outstanding title assessments herein found not to be paid, to be received in the offices of the Utah Insurance Department no later than 10 (ten) days after this Order becomes final.

4. 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, (PO 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.

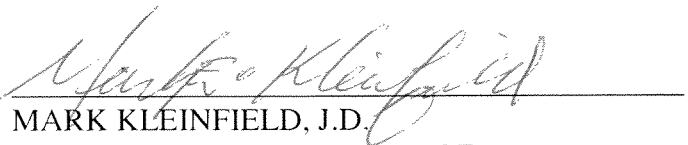
You are further notified that a failure to obey an Order of the commissioner may subject you to further penalties, including forfeitures of up to \$5,000.00 per violation and the suspension or revocation of your license of the filing of an action to enforce this Order in District Court which may impose 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.

Questions regarding this Adjudicative Proceeding should be directed to Tammy Greening at the Utah Insurance Department (801) 538-3786 or by email to tgreening@utah.gov.

DATED THIS 25th day of April, 2011.

NEAL T. GOOCH
INSURANCE COMMISSIONER


MARK KLEINFELD, J.D.
ADMINISTRATIVE LAW JUDGE
Utah Insurance Department
State Office Building, Room 3110
Salt Lake City, Utah 84114
Telephone (801) 538-3800