

M. GALE LEMMON #4363 *MSJ*
Assistant Attorney General
MARK L. SHURTLEFF #4666
Attorney General
Attorneys for Utah Insurance Department
State Office Building, Room 3110
Salt Lake City, UT 84114
Telephone (801) 538-3872

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

COMPLAINANT:

UTAH INSURANCE DEPARTMENT

RESPONDENT:

NICKOLAS S FERRISS


License No. 329578

**NOTICE OF INFORMAL
ADJUDICATIVE PROCEEDING
AND ORDER**

Failure to Respond

DOCKET No. 2011-033 LC

Enf. Case No. 2827

The Utah Insurance Department has commenced this informal adjudicative proceeding pursuant to Utah Code Annotated (U.C.A.) §§ 31A-2-202 and 63G-4-201 and Utah Administrative Code (U.A.C.) Rule R590-160. Based upon information contained in producer files or known to the Commissioner, the Commissioner makes the following:

FINDINGS OF FACT

1. Respondent is an agent authorized to do the business of insurance in the State of Utah holding License number 329578.
2. The Respondent failed to properly respond to an initial inquiry of the Commissioner dated January 25, 2011.

3. The Respondent was required, by first class letter dated February 22, 2011, to the mailing/resident address on record, to provide a substantive response to the Commissioner's initial inquiry on or before March 7, 2011.

4. The Respondent was required, by first class letters dated February 22, 2011, to the business address on record, to provide a substantive response to the Commissioner's initial inquiry on or before March 7, 2011.

5. As of April 4, 2011, no response from the Respondent has been received.

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 submit a timely response to an inquiry from the Commissioner, the Respondent violated U.C.A. Subsection 31A-2-202(4).

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 \$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. 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 E. 300 S., Fifth Floor, P.O. Box 140874, Salt Lake City, UT 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 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 Adam Martin, 801-537-9003.

DATED THIS 7th 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