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BEFORE THE INSURANCE COMMISSIONER OF THE STATE OF UTAH

COMPLAINANT:

UTAH INSURANCE DEPARTMENT

RESPONDENT:

Kimberly Ann Smallwood
1390 Kristina Court
Scottsburg, IN 47170

License No. 360355

**NOTICE OF INFORMAL
ADJUDICATIVE PROCEEDING
AND ORDER**

Failure to Respond

DOCKET No. 2011-166 LC

Enf. Case No. 2851

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 agency 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 360355.
2. The Respondent failed to properly respond to the initial inquiry of the Commissioner dated January 20, 2011.

3. The Respondent failed to properly respond to a second inquiry of the Commissioner dated April 14, 2011.

4. The Respondent failed to properly respond to a third inquiry of the Commissioner dated February 10, 2011.

5. The Respondent failed to properly respond a fourth inquiry of the Commissioner dated March 16, 2011.

6. On March 17, 2011, MCE returned call from respondent as the respondent had left MCE a voicemail on March 16, 2011. The respondent did not return MCE's phone message left on March 17, 2011.

7. On or about March 31, 2011, MCE attempted to reach the respondent via mail. The respondent again failed to respond to the inquiry of the Commissioner.

7. As of July 28, 2011, no response from the Respondent has been received.

8. 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 Jen Christian, 801-538-3172.

DATED THIS 9th day of August, 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