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

<b>COMPLAINANT:</b>	:	<b>NOTICE OF INFORMAL ADJUDICATIVE PROCEEDING AND ORDER</b>
UTAH INSURANCE DEPARTMENT	:	
<b>RESPONDENT:</b>	:	Failure to Respond
ARIEL IVAN MORENO	:	DOCKET No. <u>2011-127 LC</u>
1953 S. Marrs	:	
Amarillo, TX 79110-2329	:	Enf. Case No. <u>2928</u>
License No. 329383	:	

The Utah Insurance Department has commenced this informal adjudicative proceeding pursuant to Utah Code Annotated (U.C.A.) §§ 31A-2-101 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 a non-resident agent authorized to do the business of insurance in the State of Utah holding License number 329383.
2. Respondent failed to properly respond to an inquiry of the Commissioner dated June 2, 2011.

3. Thereafter, an attempt to contact the Respondent on June 6, 2011, at his business telephone on file was unsuccessful, as it was discovered his employment was terminated on November 2, 2009. Department records indicate that both the Respondents business and residential telephone numbers are identical.

4. An additional attempt to make contact was unsuccessful, as the Respondent was required, by USPS First Class letter dated June 6, 2011, to provide a substantive response to the Commissioner's initial inquiry on or before June 16, 2011.

5. 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.

DATED THIS 13<sup>th</sup> day of JULY, 2011.

NEAL T. GOOCH  
Insurance Commissioner



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

**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, P.O. 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 \$2,500.00 per violation and the suspension

or revocation of your license and 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 Richard Grieser, at the Utah Insurance Department (801) 537-9057.