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Salt Lake City, UT 84114-0874  
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## BEFORE THE INSURANCE COMMISSIONER OF THE STATE OF UTAH

**COMPLAINANT:**

UTAH INSURANCE DEPARTMENT

**RESPONDENT:**

ERIC S. SWIDER  
639 Chapin Ave.  
Birmingham, MI 48009  
License No. 227389

**NOTICE OF INFORMAL  
ADJUDICATIVE PROCEEDING  
AND ORDER**

**Docket No.** 2011-237 LC

**Enf. Case No.** 2968

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The Utah Insurance Department has commenced this informal adjudicative proceeding pursuant to Utah Code Annotated §§ 31A-2-201 and 63G-4-201 and Utah Administrative Code 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 insurance agent authorized to do the business of insurance in the State of Utah holding License number 227389.

2. Respondent submitted an application for a limited lines insurance agent's license on July 21, 2011. In his application, Respondent answered "No" to the question "Have you ever been . . . involved as a party in an administrative proceeding regarding any professional . . . license . . .?"

3. At the time of the submission of his application, Respondent knew that his insurance agent's license had been revoked in the State of Michigan for failure to respond on April 9, 2010. That revocation was set aside and his license was reinstated on January 11, 2011.

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

#### **CONCLUSION OF LAW**

1. In submitting false information on his license application by stating he had not been involved in an administrative proceeding against his license when he had, Respondent violated Utah Code Annotated § 31A-23a-105(2) and 31A-2-202(6).

2. In providing false information on his license application, Respondent brings into question his qualification to hold an insurance agent's license under Utah Code Annotated § 31A-23a-107(2) as being competent and trustworthy.

3. In violating insurance statutes, Respondent is subject to imposition of forfeitures of up to \$5,000.00 per violation under Utah Code Annotated § 31A-2-308, and is subject to the revocation or suspension of his license under Utah Code Annotated § 31A-23a-111(5)(b), or having his license placed on probation under Utah Code Annotated § 31A-23a-112.

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

**ORDER**

**IT IS HEREBY ORDERED:**

1. Respondent is assessed an administrative forfeiture in the amount of \$250.00, to be paid within 10 days of the date this Order becomes final.
2. 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**

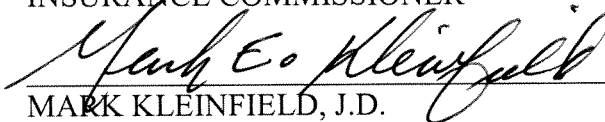
If you request a hearing regarding this matter, the department will be represented by M. Gale Lemmon, Assistant Attorney General, 160 East 300 South, Fifth Floor, P.O. Box 140874, Salt Lake City, Utah 84114-0874, Telephone Number (801) 366-0375. Failure to request a hearing will be considered a failure 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 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.

DATED THIS 25<sup>th</sup> day of October, 2011.

NEAL T. GOOCH  
INSURANCE COMMISSIONER



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

CERTIFICATE OF MAILING

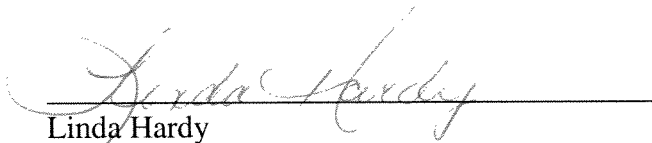
I do hereby certify that on this date I mailed, by regular mail, postage prepaid a true and correct copy of the attached:

NOTICE OF INFORMAL  
ADJUDICATIVE PROCEEDING  
AND ORDER

To the following:

Eric S Swider  
639 Chapin Ave  
Birmingham, MI 48009

DATED this 25<sup>th</sup> day of October, 2011

A handwritten signature in cursive script, appearing to read "Linda Hardy", is written over a horizontal line.

Linda Hardy  
Market Conduct  
Utah Department of Insurance  
State Office Building, Room 3110  
Salt Lake City, UT 84114-6901

**UTAH  
Invoice - Original**

Printed Date: October 25, 2011  
Invoice Date: October 25, 2011  
Balance Due: \$250.00  
Due Date: November 21, 2011  
Invoice ID: 534201  
Payor ID: 115111

SWIDER ERIC S  
639 CHAPIN AVE  
BIRMINGHAM MI 48009-2032

<b>Item Description</b>	<b>Amount</b>
10/25/2011 Monetary Penalty Individual E-Case 2968 Docket 2011-237 LC	\$250.00
<b>Original Amount Due</b>	<u>\$250.00</u>
<b>Payments Received</b>	
	<u><b>Balance Due</b></u>

**UTAH  
Invoice - Original**

Invoice Date: October 25, 2011  
Balance Due: \$250.00  
Due Date: November 21, 2011  
Invoice ID: 534201  
Payor ID: 115111  
Payor Name: SWIDER, ERIC S

Make checks payable to: Utah Insurance Department

Send payment to:

Utah Insurance Department  
3110 State Office Building  
Salt Lake City, UT 84114-6901