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BEFORE THE INSURANCE COMMISSIONER
OF THE STATE OF UTAH

COMPLAINANT:

UTAH INSURANCE DEPARTMENT

RESPONDENTS:

2ND CHANCE BAIL BONDS



License No. 382610

TONY CHOATE



License No. 121089

STIPULATION AND ORDER

Docket No. 2011-257 BB

Enf. Case No. 3038

STIPULATION

1. Respondent 2nd Chance Bail Bonds is a licensed bail bond surety company in the State of Utah, holding License No. 382610. Respondent Tony Choate is a licensed bail bond agent in the State of Utah, License No. 121089, and is the owner of Respondent 2nd Chance Bail Bonds.

2. Respondents stipulate with the Complainant, Utah Insurance Department, as

follows:

- a. If a hearing were held, witnesses called by the Complainant could offer and introduce evidence that would support the Findings of Fact herein;
- b. Respondents admit the Findings of Fact and Conclusions made therefrom;
- c. Respondents stipulate to the summary entry of the Order herein which shall be in lieu of other administrative proceedings by Complainant in this matter; and
- d. Respondents and Complainant have negotiated the terms of the Order entered herein and Respondents agree to its entry and further agree to be bound by all its terms.

3. Respondents are aware of their right to a hearing at which they may be represented by counsel, present evidence and cross-examine witnesses. Respondents have irrevocably waived their right to such hearing and to any appeal related thereto.

4. Respondents admit the jurisdiction of the State of Utah Insurance Commissioner as to all matters herein.

5. Respondents are acting herein free from any duress or coercion of any kind or nature, having been advised fully as to their rights set forth herein.

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6. Respondents acknowledges that the issuance of this Order by the Commissioner is solely for purpose of disposition of the matter entitled herein.

DATED this 22 day of December, 2011.


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INSURANCE DEPT.



2nd CHANCE BAIL BONDS
Tony Choate, Owner



TONY CHOATE



UTAH INSURANCE DEPARTMENT
M. Gale Lemmon
Assistant Attorney General

Based upon the foregoing Stipulation and information in the file, the Presiding Officer makes the following Findings of Fact:

FINDINGS OF FACT

1. On September 7, 2011, a Market Conduct examiner conducted an audit of Respondent, 2nd Chance Bail Bonds. .
2. The audit revealed that Respondents were using outdated disclosure forms. The forms used by Respondents were not updated to reflect the 10% minimum bond premium or other rule changes.
3. Respondent Tony Choate admits that he failed to use the new forms issued by his surety which incorporated the 10% minimum bail premium rule and additional changes made by Department Rule R590-196-6.
4. Respondents agree to a joint administrative forfeiture in the amount of \$250.00.

Based upon the foregoing Stipulation and Findings of Fact, the Presiding Officer enters the following Conclusions of Law:

CONCLUSIONS OF LAW

1. Utah Administrative Code R590-196-6 sets forth the appropriate Disclosure Form which must include the 10% minimum bond premium rule.
2. The Respondents were using outdated forms and in doing so violated R590-196-6.
3. A joint administrative forfeiture in the amount of \$250.00 is appropriate under the circumstances.

Based upon the foregoing Stipulation, Findings of Fact and Conclusions of Law, the Presiding Officer herewith enters the following Order:


ORDER

IT IS HEREBY ORDERED:

1. Respondents 2nd Chance Bail Bonds and Tony Choate are jointly and severally assessed an administrative forfeiture in the amount of \$250.00 to be paid to the Utah Department of Insurance within 30 days of the issuance of this Order.

DATED this 28th day of December, 2011.

NEAL T. GOOCH
Insurance Commissioner



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

NOTIFICATION

Respondents are hereby notified that failure to abide by the terms of this Order may subject you to further penalties, including additional forfeitures of up to \$5,000 per violation and the suspension or revocation of your license, and the filing of an action to enforce this Order in the District Court which may impose penalties of up to \$10,000 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.