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

COMPLAINANT:

UTAH INSURANCE DEPARTMENT

RESPONDENT:

TIMOTHY GROVER MACE
702 North 1050 West
St. George, UT 84770
License No. 390266

**NOTICE OF INFORMAL
ADJUDICATIVE PROCEEDING
AND ORDER**

Docket No. 2012-001 LC

Enf. Case No. 3054

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 390266.

2. Respondent submitted an application for an insurance agent's license on August 2, 2011. In his application, Respondent answered "No" to the question, "Have you ever been convicted of ... a crime...?", and to the question, "Has any demand been made or judgment

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rendered against you, or have you ever been subject to a bankruptcy proceeding?”

3. On August 20, 2011, the Producer Licensing Division discovered Utah criminal history records showing old convictions and judgments as well as an outstanding judgment in the amount of \$4,196.48 dated May 25, 2010 in favor of Easy Auto Sales, and a Workforce Services judgment in the amount of \$261.00 dated August 16, 2011.

4. On August 25, 2011, Respondent submitted to the Division a written statement disclosing prior criminal activity related to aggravated assault and lewdness.

5. On September 23, 2011, the Division received Respondent’s written statement regarding the outstanding judgments.

6. On September 27, 2011 the Division received documentation from Workforce Services indicating that Respondent had paid off its judgment on September 22, 2011. Documentation from Easy Auto Sales indicated that Respondent has agreed to pay \$150.00 per month until the judgment is paid in full.

7. Respondent stated that he erroneously believed he had to report only criminal charges occurring within the last 10 years. The assault charge occurred in 1995. He further stated that he was unaware of the outstanding judgments against him.

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 convicted of a crime 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 \$500.00, to be paid within 10 days of the date this Order becomes final.
2. Respondent's license is placed on probation for a period of 12 months from the date this Order becomes final. The terms of probation are:
 - a. Respondent shall pay the administrative forfeiture assessed herein in a timely manner;
 - b. Respondent shall have no further violations of the Utah Insurance Code or Rules or of any order of the commissioner; and
 - c. during the period of probation Respondent shall not commit any criminal acts, other than minor traffic violations.
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 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 4 day of January, 2012.

NEAL T. GOOCH
INSURANCE COMMISSIONER



MARK KLEINFELD, J.D.
ADMINISTRATIVE LAW JUDGE
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