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

COMPLAINANT:

UTAH INSURANCE DEPARTMENT

RESPONDENT:

MATTHEW NELSON DAVID
1735 West 540 North, #1901
St. George, UT 84770
License No. 399768

**NOTICE OF INFORMAL
ADJUDICATIVE PROCEEDING
AND ORDER**

Docket No. 2012-023 LC

Enf. Case No. 3074

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 a resident licensed title insurance agent with a marketing line of authority, holding License number 399768.
2. Respondent submitted an application for a title insurance agent's license with a marketing line of authority on October 6, 2011. In his application, Respondent answered "No" to the question "Have you ever been convicted of ... a crime...?"

3. At the time of the submission of his application, Respondent knew that he had nine misdemeanor convictions between June 1995 and October 2005.

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 nine convictions, 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:

RECOMMENDED ORDER

IT IS RECOMMENDED THAT THE TITLE AND ESCROW COMMISSION IMPOSE THE FOLLOWING PENALTY:

1. Respondent be 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 be placed on probation for a period of 24 months from the date this Order becomes final. The terms of probation to be:

a. Respondent shall pay the administrative forfeiture assessed herein in a timely manner;

b. Respondent shall be personally supervised by Douglas Stanley of United Title Services of Southern Utah, or by another licensee approved by the department;

c. Respondent shall have no further violations of the Utah Insurance Code or Rules or of any order of the commissioner;

d. during the period of probation Respondent shall not commit any criminal acts, other than minor traffic violations; and

e. during the period of probation, Respondent shall not apply for any other line of authority or for any other insurance license.

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 _____ day of JAN 24 2012, 2012.

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

ADOPTION OF RECOMMENDED ORDER AND IMPOSITION OF PENALTY

By a vote of 5 to 0, taken in open meeting on this date, the Title and Escrow Commission hereby adopts the recommended order of the presiding officer and imposes the penalties recommended herein above.

DATED this _____ day of _____, 2012.



DIRK DONALD KEYES, Chairman
Title and Escrow Commission

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.

CONCURRENCE WITH COMMISSION IMPOSED PENALTY

On behalf of the Commissioner of the Utah Insurance Department I hereby concur with the penalty imposed by the Utah Title and Escrow Commission in the above matter.

DATED this ____ day of FEB 13 2012, 201__.

NEAL T. GOOCH
INSURANCE COMMISSIONER


MARK E. KLEINFELD
Administrative Law Judge