

M. GALE LEMMON #4363
Assistant Attorney General
MARK L. SHURTLEFF #4666
Attorney General
Attorneys for Utah Insurance Department
160 East 300 South, Fifth Floor
P.O. Box 14974
Salt Lake City, UT 84114-0874
Telephone (801) 366-0375

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

COMPLAINANT:

UTAH INSURANCE DEPARTMENT

RESPONDENT:

DAVID G. BARTHOLOMEW
395 West 600 North
Lindon, UT 84042
License No. 100576

**NOTICE OF INFORMAL
ADJUDICATIVE PROCEEDING
AND ORDER**

DOCKET No. 2012-035 LC

Enf. Case No. 3091

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 insurance agent authorized to do the business of insurance in the State of Utah, holding License number 100576.
2. On or about June 15, 2011, an Information was filed in Third District Court, Salt Lake County, State of Utah, charging Respondent with two counts of fraud, second degree felonies,

one count of sales by an unlicensed securities agent, a third degree felony, and one count of a pattern of unlawful activity, a second degree felony.

3. Respondent made his initial appearance before the court on these charges on June 29, 2011. Respondent failed to notify the Department of his initial appearance until November 28, 2011.

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

CONCLUSION OF LAW

1. In failing to notify the Department of his initial appearance before a court in a criminal prosecution within 30 days of that appearance, Respondent violated Utah Code Ann. § 31A-23a-105(2).

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. Said forfeiture shall be paid no later than ten (10) days after 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.

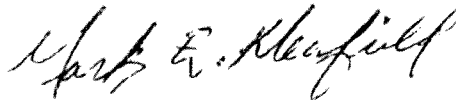
You are further notified that a failure to obey an Order of the commissioner may subject you to further penalties, including forfeitures of up to \$2,500.00 per violation and the suspension or revocation of your license and the filing of an action in District Court, which may impose forfeitures of up 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.

FEB 14 2012

DATED THIS _____ day of _____, 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

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:

David G. Bartholomew
395 West 600 North
Lindon, UT 84042

DATED this 16th day of February, 2012



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

**UTAH
Invoice**

Printed Date: February 16, 2012

Invoice Date: February 16, 2012
Balance Due: \$250.00
Due Date: March 12, 2012
Invoice ID: 565178

BARTHOLOMEW DAVID G
395 WEST 600 NORTH
LINDON UT 84042

Item Description	Amount
Monetary Penalty Individual	\$250.00
Original Amount Due	<u>\$250.00</u>
Payments Received	
	<u>Balance Due</u>

**UTAH
Invoice**

Printed Date: February 16, 2012

Invoice Date: February 16, 2012
Balance Due: \$250.00
Due Date: March 12, 2012
Invoice ID: 565178

Make checks payable to: Utah Insurance Department

Send payment to:

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