

BEFORE THE INSURANCE COMMISSIONER
OF THE STATE OF UTAH

COMPLAINANT:

UTAH INSURANCE DEPARTMENT

RESPONDENT:

RICHARD E. HASKELL
10955 South Starpine Dr.
Sandy, Utah 84094

License No. 114604

ORDER ON HEARING

(Formal Hearing)

DOCKET No. 2012-050-LC
E-Case # 3105

Mark E. Kleinfield,
Presiding Officer

STATEMENT OF THE CASE

THIS MATTER concerning whether the Respondent's insurance producer license should be revoked came on to be heard before the Commissioner of the Utah State Insurance Department ("*Department*") on Tuesday, April 10th, 2012 at 10:00 o'clock A. M. Mountain Time, with Mark E. Kleinfield, Administrative Law Judge, serving as designated Presiding Officer.

Said hearing being held at the Department's offices located at the Utah State Office Building, Room 3110, Salt Lake City, Utah 84114, having been convened at the designated time of 10:00 (10:30) A. M., April 10th, 2012 and adjourned at 10:45 A. M. on said same day.

Appearances:

M. Gale Lemmon, Assistant Attorney General, State of Utah, Utah Insurance Department, State Office Building, Room 3110, Salt Lake City, Utah 84114.

By the Presiding Officer:

Pursuant to a March 1st, 2012 "*Notice of Formal Adjudicative Proceeding and Pre-Hearing Conference*" a pre-hearing was conducted on April 10th, 2012 in the above-entitled proceeding. The Respondent was not present at that time.

The hearing was convened and conducted as a **formal hearing** in accordance with Utah Code Ann. Sections 63G-4-201, et seq, and Administrative Rule R590-160.

ISSUE, BURDEN and "STANDARD OF PROOF"

1. The basic issue(s) in this case is (are) should the Respondent's insurance producer license be revoked? (**SEE** also Paragraph 2 under *DISCUSSION-ANALYSIS*.)

2. The "*burden of proof*" or "*burden of going forward*" in this case as to the above issue(s) is on the Department.

3. As per Utah Administrative Code Rule, R590-160 as to the above and foregoing "issue(s)" or "question(s)" to be answered the "*standard of proof*" as to issues of fact is to be proven by a "*preponderance of the evidence*".

The Complainant waived opening statement.

Thereafter, evidence was offered and received.

SUMMARY OF THE EVIDENCE

Witnesses:

For the Applicant:

None.

For the Department:

None.

Counsel for the Complainant was allowed to pro-offer.

Exhibits:

The Department offered the following exhibits:

None.

The Applicant offered the following exhibits:

None.

The Complainant made a brief closing argument.

The Presiding Officer being fully advised in the premises and taking administrative notice of the files and records of the Department, now enters his *Findings of Fact, Conclusions of Law, and Order*, on behalf of the Department:

FINDINGS OF FACT

I, find by a preponderance of the evidence, the following facts:

Preliminary-Procedural Facts
(Paragraphs 1-7)

1. The Utah Insurance Department (“Department”) is a governmental entity of the State of Utah. The Department as per Utah Code Ann. Section 31A-2-101 is empowered to administer the *Insurance Code*, Title 31A, Utah Code Ann., 1953, as amended.

2. The Respondent Richard E. Haskell:

a. is a resident of the State of Utah and maintains a present residence of 10955 South Starpine Dr., Sandy, Utah 84094;

and

b. has previously been licensed by the Department to conduct or be engaged in any

capacity in the insurance business in the State of Utah with License No. 114504 which lapsed for non-renewal on October 31, 2011.

3. The Department on or about February 29, 2012 filed its Complaint alleged actions by Respondent justifying revocation of Respondent's ability to hold an insurance producer license. (**SEE** Administrative File.)

4. That based on the preliminary facts as set forth in Paragraphs 1 through 2, immediately above, through means of a March 1, 2012 "*Notice of Formal Adjudicative Proceeding and Pre-Hearing Conference*" a pre-hearing was scheduled for on April 10th, 2012 at 10:00 A. M. Mountain Time.

Operative Facts
(Paragraphs 8 - 10)

8. The Respondent is a resident of the State of Utah.

9. The Respondent failed to file a written answer and or failed to appear the facts proffered by the Complainant Utah Department of Insurance and its February 29th, 2012 Complaint are taken as undisputed fact.

10. The Respondent failed to appear and his ability to hold an insurance producer license is accordingly "revoked".

DISCUSSION-ANALYSIS
(Paragraphs 1-2)

1. The Respondent in having failed to appear the facts proffered by the Complainant Utah Department of Insurance and its February 29th, 2012 Complaint are taken as undisputed fact.

2. The Applicant failed to appear his default and his ability to hold an insurance producer license should accordingly "revoked".

CONCLUSIONS OF LAW

1. The Department's prayer for relief in its "*Complaint*" under date of February 29th, 2012 should be granted.
2. The Respondent's default should be entered and his ability to hold an insurance producer license should be revoked.

AND BASED ON THE ABOVE AND FOREGOING CONCLUSIONS OF LAW

the Presiding Officer enters the following:

ORDER

WHEREFORE, IT IS ORDERED that:

1. The Respondent's default is entered and the Department's prayer for relief in its February 29th, 2012 Complaint is **granted** and the Respondent's insurance producer's license is revoked forthwith;
and
2. The Respondent is ordered not to be an owner, officer, director, agent, employee, or a consultant to any entity doing insurance business in the State of Utah.

DATED and ENTERED this 5th day of June, 2012.

**NEAL T. GOOCH,
INSURANCE COMMISSIONER**



MARK E. KLEINFELD
ADMINISTRATIVE LAW JUDGE and
PRESIDING OFFICER
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Salt Lake City, Utah 84114
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ADMINISTRATIVE AGENCY REVIEW

Administrative Agency Review of this Order may be obtained by filing a Petition for Review with the Commissioner of the Utah Insurance Department within thirty (30) days of the date of entry of said Order consistent with Utah Code Ann. Section 63-4G-301 and Administrative Rule R590-160.

Failure to seek agency review shall be considered a failure to exhaust administrative remedies.

(R590-160 and Section 63-4G-301)

JUDICIAL REVIEW

As an **“Formal Hearing”** after agency review judicial review of this Order may be obtained by filing a petition for such review consistent with Utah Code Ann. Section 63-4G-401, et. seq.

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:

ORDER ON HEARING

To the following:

Richard E. Haskell
10955 S Starpine Dr
Sandy, UT 84094

DATED this 5th day of June, 2012

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

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