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UTAH STATE
INSURANCE DEPT.

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

COMPLAINANT:

UTAH INSURANCE DEPARTMENT

RESPONDENT:

KEVIN ERIC NELSON
P.O. Box 1142
Spanish Fork, UT 84660
License No. 334776

STIPULATION AND ORDER

Docket No. 2012-123 LC

Enf. Case No. 3188

STIPULATION

1. Respondent, Kevin Eric Nelson is a resident licensed insurance producer in the State of Utah holding License No. 334776.
2. Respondent stipulates 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. Respondent admits the Findings of Fact and Conclusions made therefrom;

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- c. Respondent stipulates to the summary entry of the Order herein which shall be in lieu of other administrative proceedings by Complainant in this matter; and
- d. Respondent and Complainant have negotiated the terms of the Order entered herein and Respondent agrees to its entry and further agrees to be bound by all its terms.

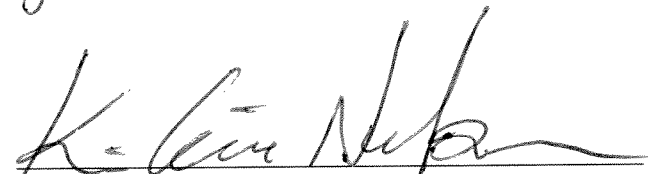
3. Respondent is aware of his right to a hearing at which he may be represented by counsel, present evidence and cross-examine witnesses. Respondent has irrevocably waived his right to such hearing and to any appeal related thereto.

4. Respondent admits the jurisdiction of the State of Utah Insurance Commissioner as to all matters herein.

5. Respondent is acting herein free from any duress or coercion of any kind or nature, having been advised fully as to his rights set forth herein.

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

DATED this 3 day of August, 2012.



KEVIN ERIC NELSON



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 December 29, 2009 Respondent received his resident individual producer license.
2. On December 2, 2010, the Respondent plead guilty to shoplifting, a Class B Misdemeanor
3. On or about May 24, 2012, Respondent submitted a renewal application to the Department. Respondent answered “yes” to the question, “Have you ever been convicted of a crime, had a judgment withheld, or are you currently which has not been reported to this insurance department.” However, Respondent failed to notify the Department within 30 days of his first appearance in court as required by statute.
4. During the investigation by the Department, Respondent stated that he was charged with a misdemeanor, has complied with the requirements of the court, and has paid his fine. He further stated that he was unaware that he was required to report the matter to the Insurance Department.
5. Respondent was cooperative during the investigation and has agreed to an administrative forfeiture in the amount of \$500.00.

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

CONCLUSIONS OF LAW

1. Utah Code Ann. §31A-23a-105(2) requires a licensee to report to the commissioner a

criminal prosecution taken against the applicant in any jurisdiction within 30 days of an initial appearance before a court.

2. Respondent, violated Section 31A-23a-105 when he failed to timely report the criminal prosecution taken against him.

3. An administrative forfeiture in the amount of \$500.00 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

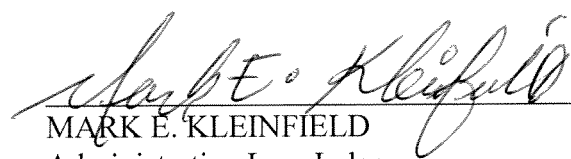
IT IS HEREBY ORDERED:

1. An administrative forfeiture in the amount of \$500.00 is assessed against Respondent Kevin Eric Nelson.

2. The forfeiture shall be paid to the Commissioner within thirty days of the issuance of this Order.

DATED this 9th day of August, 2012.

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

Respondent is hereby notified that failure to abide by the terms of this Order may subject you to further penalties, including additional forfeitures of up to \$2,500.00 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 \$10,000.00 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.