

Utah Insurance Department
State Office Building, Rm 3110
Salt Lake City, UT 84114
(801)538-3800
Silmara Charlesworth
(801)644-2649

**BEFORE THE INSURANCE COMMISSIONER
STATE OF UTAH**

**UTAH INSURANCE DEPARTMENT,
COMPLAINANT**

vs.

**Shanis McClellan, License No. 458096,
RESPONDENT**

**NOTICE OF INFORMAL
AGENCY ACTION
AND ORDER**

Docket No. 2014-081 LC
Enf. Case No. 3516
Judge Mark Kleinfeld
Administrative Law Judge

The Utah Insurance Department has commenced this informal adjudicative proceeding pursuant to Utah Code Ann. § 31A-2-201 and 63G-4-201 and Utah Admin. Code R590-160. Based upon information contained in agency files or known to the Department, the Department asserts the following facts:

FACTS

1. Respondent is a non-resident insurance agent authorized to do the business of insurance in the State of Utah holding License Number 458096.
2. Respondent failed to properly respond to an inquiry of the Commissioner, dated March 28, 2014, and sent to Respondent's following addresses on file with the Department: 5150 Regent Blvd, Irving, Texas 75063 (Business) and [REDACTED] (Residence).
3. An e-mail inquiry was sent to Respondent's e-mail address on file on March 28, 2014 which returned as "undeliverable".

4. A second request for explanation was sent to Respondent via U.S. Mail to the addresses on file on May 9, 2014. Respondent failed to properly respond to this request.

4. A telephone call was made to Respondent to contact number on file. Respondent was no longer reachable at that number.

6. Thereafter, Respondent was required, by a letter dated June 6, 2014 to provide a substantive response to the Commissioner's initial inquiry on or before June 20, 2014. As of the date of this Notice of Agency Action and Order, no response has been received and the time for response and any extensions granted have expired.

BASED UPON THE FOREGOING FACTS

1. In failing to submit a timely response to an inquiry from the Commissioner, the Respondent has violated Utah Code § 31A-2-202(4).

Based upon the foregoing facts, the Commissioner now enters the following Order:

ORDER

IT IS HEREBY ORDERED:

1. Respondent is assessed an administrative forfeiture in the amount of \$500.00. Said forfeiture shall be paid no later than ten (10) days after the date this Order becomes final.

2. Respondent shall provide a substantive response to the Commissioner's inquiries to be received in the offices of the Utah Insurance Department no later than ten (10) days after the date this Order becomes final.

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, please contact the Examiner, Silmara Charlesworth, at 801-538-3345. 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 to enforce this Order 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 _____ day of JUL 11 2014, 2014.

TODD E. KISER
INSURANCE COMMISSIONER



MARK KLEINFELD
Administrative Law Judge
Utah Insurance Department
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Salt Lake City, Utah 84114
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