



GARY D. JOSEPHSON #5299  
Assistant Attorney General  
SEAN D. REYES #7969  
Attorney General  
Attorneys for Utah Insurance Department  
160 East 300 South, Fifth Floor  
P.O. Box 140874  
Salt Lake City, UT 84114-0974  
Telephone (801) 366-0375

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

<p>IN RE THE APPLICATION OF:</p> <p>THOMAS N. PITCHER </p> <p>Applicant.</p>	<p><b>STIPULATION AND ORDER</b></p> <p>Docket No. 2015-004 LC</p> <p>Enf. No. 3568</p> <p>Mark E. Kleinfield Administrative Law Judge</p>
---	--

The Utah Insurance Department (“Department”), by and through its legal counsel, Gary D. Josephson, Assistant Attorney General, and Thomas Pitcher (“Applicant”), hereby stipulate and agree as follows:

1. Applicant is making application for a Utah insurance license. Applicant’s address is 
2. The Department has jurisdiction over the parties and subject matter of this administrative action.
3. Applicant acknowledges notice of agency action pursuant to Utah Code § 63G-4-210; acknowledges that this Stipulation and Order is a formal proceeding pursuant to Utah Code § 63G-4-204; and irrevocably waives the right to any hearing, review or appeal

concerning this matter.

4. If an administrative hearing were held, the Department could offer evidence of the Findings of Fact presented below; therefore, the Findings of Fact and Conclusions of Law presented below are accepted by the parties.

5. The issuance of a signed Order proposed below is solely for the purpose of the disposing of the specific matter entitled herein.

6. The only promises, agreements and understandings that the parties have regarding this matter are contained in this Stipulation.


7. Applicant enters into this Stipulation voluntarily, knowing and free from any coercion of any kind.

8. The person signing this Stipulation on behalf of the named parties hereby affirm

DATED this 19<sup>th</sup> day of February, 2015.

  
THOMAS N. PITCHER, Applicant

DATED this 23<sup>rd</sup> day of February, 2015.

  
GARY D. JOSEPHSON  
Assistant Attorney General  
Utah Insurance Department

Based upon the foregoing Stipulation and Department file, Administrative Law Judge makes the following Findings of Fact:

**FINDINGS OF FACT**

1. In December 2014, Applicant applied for a State producer's insurance license for life, accident and health.
2. Applicant's application for a life, accident and health insurance license was denied based on an original \$150,365.35 outstanding Utah State tax lien.
3. Applicant has now entered into a Month Pay Plan Agreement with the Utah State Tax Commission; wherein, in addition to other terms and conditions, Respondent is to pay \$1,000.00 per month starting January 30, 2015. Respondent has made his initial January payment.

Based upon the foregoing Stipulation and Findings of Fact, the Administrative Law Judge enters the following Conclusions of Law:

**CONCLUSIONS OF LAW**

1. Under Utah Code Ann. § 31A-23a-11(5)(b)(xxii), an applicant that fails to pay state income tax, or comply with an administrative or court order directing payment of state income tax does not meet the character requirements for holding a Utah license. Applicant's tax status places him in violation of this statutory requirement.

Based upon the foregoing Findings and Conclusions, the following Order is entered:

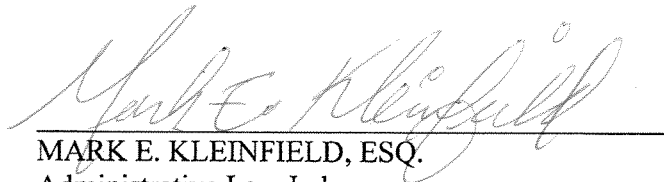
**ORDER**

**IT IS HEREBY ORDERED:**

1. Applicant will be issued a life, accident and health State insurance producer's license by the Department.
2. Applicant will be on a 24 month probation starting from the date of the signing of this Order. The terms of the probation are as follows:
  - (a) Applicant shall fully comply with the Month Pay Plan Agreement entered into with the Utah State Tax Commission until the State tax liability is fully satisfied.
  - (b) Applicant shall not violate any Utah insurance laws, administrative rules or orders of the Commissioner.
  - (c) Applicant will file and pay all future taxes timely.
3. If Applicant violates his probation with the Department, his insurance license will be immediately revoked.

DATED this 23 day of February, 2015.

TODD E. KISER  
Insurance Commissioner



MARK E. KLEINFELD, ESQ.  
Administrative Law Judge  
Utah Insurance Department  
Room 3110, State Office Building  
Salt Lake City, UT 84114  
Telephone (801) 538-3800

**NOTIFICATION**

You are hereby notified that a failure to obey an Order of the Commissioner may subject you to further penalties, including forfeitures of up to \$5,000.00 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 a continued violation.

You are further notified that other jurisdictions in which you may be licensed may require that you report this action to them.