M. GALE LEMMON #4363
Assistant Attorney General
MARK L. SHURTLEFF #4666
Attorney General
Attorneys for Utah Insurance Department
State Office Building, Room 3110
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Telephone (801) 538-3872

RECEIVED
JUL 26 2005
UTAH STATE
INSURANCE DEPT.

BEFORE THE INSURANCE COMMISSIONER OF THE STATE OF UTAH

COMPLAINANT: UTAH INSURANCE DEPARTMENT	**STIPULATION** **&** **ORDER**
RESPONDENT: KENNETH DONALD COON, II 753 East 9590 South Sandy, UT 84904 License No. 135304	**Docket No. 2005-073 LC** Enf. Case No. 1655

STIPULATION

1. Respondent, Kenneth Donald Coon, II, is a licensed insurance agent in the State of Utah, holding License No. 135304.

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;

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 the purpose of disposition of the matter entitled herein.

DATED this 20 day of July, 2005.

KENNETH DONALD COON, II

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. In an application for renewal of his license received in the department on April 27, 2005, Respondent answered "Yes" to the question "have you completed the required continuing education hours?"

2. The department instituted an audit dated May 2, 2005, regarding Respondent's continuing education compliance.

3. The results of the department's audit revealed that Respondent had completed only 10 of the required 13 continuing education hours, and was given 30 days in which to complete the required continuing education.

4. Respondent had been sent a letter of admonition for the same violation in 2003 for failing to complete at that time the required continuing education prior to submitting a renewal certifying that they had been completed.

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

CONCLUSIONS OF LAW

1. In falsely certifying in his application for renewal of his license that he had completed the required continuing education when such was not the case, Respondent violated Utah Code Annotated § 31A-2-202(6).

2. Respondent is subject to the assessment of an administrative forfeiture of up to $2,500.00 pursuant to Utah Code Annotated § 31A-2-308(1)(b)(i), and is subject to the

suspension of his license under Utah Code Annotated § 31A-23a-111(4)(b)(ii)(A) and (4)(b)(ix), and to having his license placed on probation for up to 24 months under Utah Code Annotated § 31A-23a-112.

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. Respondent is assessed an administrative forfeiture in the amount of $750.00, to be paid within 30 days of the date of this Order.

2. Respondent's insurance agent's license is placed on probation for a period of 24 months beginning on the date of this Order. The terms of the probation are:

   a. Respondent shall pay the administrative forfeiture assessed herein in a timely manner;

   b. Respondent shall complete all required continuing education requirements prior to submitting his next application for renewal of his license; and

   c. Respondent shall have no further violations of the Utah Insurance Code or Rules or of any order of the Commissioner.

NOTIFICATION

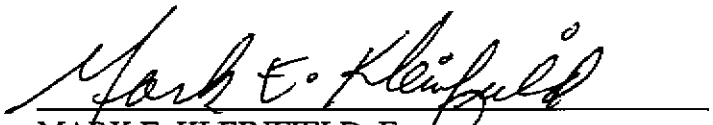
You are hereby notified that failure to abide by the terms of this Order may subject you to further penalties, including additional forfeitures of up to $2,500.00 per violation and the suspension or revocation of your license, and the filing of an action to enforce this Order in the District Court, which 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.

DATED this 29th day of July, 2005.

D. KENT MICHIE
INSURANCE COMMISSIONER



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

Invoice

Due Date 08-25-2005 **Amount Due** $750.00 **Invoice ID** 254378

Payor ID 64825 **Total Amount Remitted** $

Make Checks Payable To:

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

KENNETH DONALD COON
WFG
10653 S RIVERFRONT PKWY #220-B
SOUTH JORDAN UT 84095

Invoice ID 254378 **Payor ID** 64825 **Invoice Print Date** 07-28-2005

Items:

07-28-2005	Monetary Penalty Individual	750.00

Amount Due..... $750.00

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:

STIPULATION
&
ORDER

To the following:

Kenneth Donald Coon, II
753 East 9590 South
Sandy, UT 84094

DATED this 1 st day of August, 2005

Linda Hardy

Linda Hardy Insurance Technician
Utah Department of Insurance
State Office Building, Room 3110
Salt Lake City, UT 84114-6901
(801) 538-3813