M. GALE LEMMON #4363
Assistant Attorney General
MARK L. SHURTLEFF #4666
Attorney General
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State Office Building, Room 3110
Salt Lake City, UT 84114
Telephone (801) 538-3872

BEFORE THE INSURANCE COMMISSIONER OF THE STATE OF UTAH

COMPLAINANT: UTAH INSURANCE DEPARTMENT **RESPONDENT:** SCOTT ANTHONY TESAR 20425 N. 7th St., #3060 Phoenix, AZ 85024 License No. 265511	**MOTION TO DISMISS ADMINISTRATIVE ACTION AND ORDER** **Docket No.** 2008-112-LC Enf. Case # 2252

MOTION

Comes now, M. Gale Lemmon, Legal Counsel for Complainant, and hereby moves for dismissal of the above captioned administrative action on the following grounds:

1. Respondent has submitted an Agreement for Surrender of License in Lieu of Administrative Action, which surrender has been accepted by the commissioner.

2. This matter should be dismissed in the interest of justice.

DATED this 15th day of October, 2008.

UTAH INSURANCE DEPARTMENT
M. Gale Lemmon, JD, MBA
Assistant Attorney General

ORDER

Based upon the motion of counsel, and good cause otherwise appearing, it is

HEREBY ORDERED:

1. The Order to Show Cause dated October 2, 2008, and the Order assessing a forfeiture previously entered in this matter dated August 19, 2008, are hereby vacated and the administrative action is hereby dismissed.

DATED this 16th day of October, 2008.

D. KENT MICHIE
INSURANCE COMMISSIONER

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

State of Utah
INSURANCE DEPARTMENT
D. Kent Michie
Commissioner

Jon M. Huntsman, Jr.
Governor

Gary R. Herbert
Lieutenant Governor

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AGREEMENT FOR SURRENDER OF LICENSE IN LIEU OF ADMINISTRATIVE ACTION

The parties to this agreement are The Utah Insurance Commissioner ("Commissioner") and Scott Anthony Tesar ("Licensee").

This agreement is entered into and is effective on the date herein noted below.

WHEREAS, the Utah Insurance Department ("Department") has commenced an investigation of the Licensee for alleged violation(s) of the Utah Insurance Code, Department rules and/or an order of the Commissioner, and

WHEREAS, the alleged violation(s) would have resulted in an administrative action being taken against the Licensee, and

WHEREAS, if proven, the alleged violation(s) would **not** have resulted in the revocation of the license(s) of the Licensee, but would have resulted in other administrative sanctions being imposed, and

WHEREAS, the Licensee desires to surrender its insurance license(s) rather than have an administrative action taken against the Licensee by the Department,

IT IS HEREBY AGREED:

1. The Licensee hereby surrenders its Utah insurance license(s) to the Commissioner who hereby accepts the surrender of the Licensee's license(s) effective as of the date of this agreement.

2. This surrender is in lieu of any administrative action that may have been taken against the Licensee for any violations of the Utah Insurance Code, Department rules, or an order of the Commissioner now known to the department.

3. This agreement, along with the allegations relating thereto, is reportable to the National Association of Insurance Commissioners (NAIC) and any other entity requesting

information on the Licensee by the Department. Further, the Licensee agrees to provide information regarding this agreement to any insurance department in the United States or any of its territories when applying for an insurance license or any renewal thereof or to any insurer inquiring if any insurance department has taken action against the license of the Licensee.

4. The Licensee may not apply for any insurance license in the State of Utah within 5 years of the date of this agreement, unless specific written permission has been received from the Commissioner.

DATED this 13th day of October, 2008.

LICENSEE SIGNATURE

SCOTT ANTHONY TESAR
Utah Insurance License No. 211242

D. KENT MICHIE
Insurance Commissioner

M. Gale Lemmon, JD, MBA
Assistant Attorney General

Licenses Surrendered:

Type:	License No.:
Non-resident agent	211242