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BEFORE THE INSURANCE COMMISSIONER OF THE STATE OF UTAH

COMPLAINANT: UTAH INSURANCE DEPARTMENT **RESPONDENT:** KRISTINE ELLEN MACE 702 North 1050 West St. George, UT 84770 License No. 390265	**NOTICE OF INFORMAL ADJUDICATIVE PROCEEDING AND ORDER** **Docket No.** 2012-002 LC Enf. Case No. 3055

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

FINDINGS OF FACT

1. Respondent is an insurance agent authorized to do the business of insurance in the State of Utah holding License number 390265.

2. Respondent submitted an application for an insurance agent's license on August 9, 2011. In her application, Respondent answered "No" to the question, "Have you ever been convicted of … a crime…?", and to the question, "Has any demand been made or judgment

rendered against you, or have you ever been subject to a bankruptcy proceeding?"

3. On August 18, 2011, the Producer Licensing Division discovered a Utah criminal history record showing old convictions and an outstanding judgment in the amount of $918.00 for a Workforce Services lien dated August 31, 2005.

4. On August 25, 2011, Respondent submitted to the Division a written statement disclosing prior retail theft criminal activity.

5. On September 23, 2011, the Division received Respondent's written statement regarding the outstanding judgment.

6. On September 27, 2011 the Division received documentation from Workforce Services indicating that Respondent has agreed to pay Workforce Services $131.00 per month until the judgment is paid in full.

7. Respondent stated that she erroneously believed she had to report only criminal charges occurring during the last 10 years. The retail theft charge occurred in 1995. She was unaware of the Workforce Services judgment against her.

Having entered his Findings of Fact, the Commissioner now enters his:

CONCLUSION OF LAW

1. In submitting false information on her license application by stating she had not been convicted of a crime when she had, Respondent violated Utah Code Annotated § 31A-23a-105(2) and 31A-2-202(6).

2. In providing false information on her license application, Respondent brings into question her qualification to hold an insurance agent's license under Utah Code Annotated § 31A-23a-107(2) as being competent and trustworthy.

3. In violating insurance statutes, Respondent is subject to imposition of forfeitures of up to $5,000.00 per violation under Utah Code Annotated § 31A-2-308, and is subject to the revocation or suspension of her license under Utah Code Annotated § 31A-23a-111(5)(b), or having her license placed on probation under Utah Code Annotated § 31A-23a-112.

Based upon the foregoing Findings of Fact and Conclusions of Law, the Commissioner now enters the following:

ORDER

IT IS HEREBY ORDERED:

1. Respondent is assessed an administrative forfeiture in the amount of $500.00, to be paid within 10 days of the date this Order becomes final.

2. Respondent's license is placed on probation for a period of 12 months from the date this Order becomes final. The terms of probation are:

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

   b. Respondent shall have no further violations of the Utah Insurance Code or Rules or of any order of the commissioner; and

   c. during the period of probation Respondent shall not commit any criminal acts, other than minor traffic violations.

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, the department will be represented by M. Gale Lemmon, Assistant Attorney General, 160 East 300 South, Fifth Floor, P.O. Box 140874, Salt Lake City, Utah 84114-0874, Telephone Number (801) 366-0375. 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 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 4 day of January, 2012.

NEAL T. GOOCH
INSURANCE COMMISSIONER

Mark E. Kleinfield

MARK KLEINFIELD, J.D.
ADMINISTRATIVE LAW JUDGE
Utah Insurance Department
State Office Building, Room 3110
Salt Lake City, Utah 84114
Telephone (801) 538-3800

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:

NOTICE OF INFORMAL
ADJUDICATIVE PROCEEDING
AND ORDER

To the following:

KRISTINE ELLEN MACE
702 North 1050 West
St. George, UT 84770

DATED this10 Th day of January, 2012

Linda Hardy
Market Conduct
Utah Department of Insurance
State Office Building, Room 3110
Salt Lake City, UT 84114-6901

UTAH
Invoice - Original

Printed Date:	January 10, 2012
Invoice Date:	January 10, 2012
Balance Due:	$500.00
Due Date:	February 14, 2012
Invoice ID:	546763
Payor ID:	1464737

MACE KRISTINE ELLEN
702 NORTH 1050 WEST
ST GEORGE UT 84770

Item Description		Amount
1/10/2012	Monetary Penalty Individual	$500.00
	E-Case 3055 Docket 2012-002 LC	
	Original Amount Due	$500.00
Payments Received		
	Balance Due	

UTAH
Invoice - Original

Invoice Date:	January 10, 2012
Balance Due:	$500.00
Due Date:	February 14, 2012
Invoice ID:	546763
Payor ID:	1464737
Payor Name:	MACE, KRISTINE ELLEN

Make checks payable to: Utah Insurance Department

Send payment to:

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