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MARK

## BEFORE THE INSURANCE COMMISSIONER OF THE STATE OF UTAH

**COMPLAINANT:**

UTAH INSURANCE DEPARTMENT

**RESPONDENT:**

Adam D. Appell  
1305 Coconino Rd. Unit #307  
Ames, IA 50014-8047

License No. 323415

**NOTICE OF INFORMAL  
ADJUDICATIVE PROCEEDING  
AND ORDER**

**Failure to Respond**

DOCKET No. 2011-013 LC

Enf. Case No. 2791

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The Utah Insurance Department has commenced this informal adjudicative proceeding pursuant to Utah Code Annotated (U.C.A.) §§ 31A-2-202 and 63G-4-201 and Utah Administrative Code (U.A.C.) 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 agent authorized to do the business of insurance in the State of Utah holding License number 323415.
2. The Respondent failed to properly respond to the initial inquiry of the Commissioner dated December 6, 2010.

3. The Respondent failed to properly respond to a second inquiry of the Commissioner dated January 5, 2011.

4. The Respondent failed to properly respond to a third inquiry of the Commissioner dated February 2, 2011.

5. The Respondent failed to properly respond a fourth inquiry of the Commissioner dated February 16, 2011.

6. On February 23, 2011, attempts to reach the Respondent by phone, as listed in Department records, were unsuccessful.

7. As of February 23, 2011, no response from the Respondent has been received.

8. As of the date of this Notice of Informal Adjudicative Proceeding and Order, no response has been received and the time for response and any extensions granted has expired.

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

#### **CONCLUSION OF LAW**

1. In failing to submit a timely response to an inquiry from the Commissioner, the Respondent violated U.C.A. Subsection 31A-2-202(4).

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

## **ORDER**

### **IT IS HEREBY ORDERED:**

1. Respondent shall pay an administrative forfeiture in the amount of \$250.00. 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, the department will be represented by M. Gale Lemmon, Assistant Attorney General, 160 E. 300 S., Fifth Floor, P.O. Box 140874, Salt Lake City, UT 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 of 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.

Questions regarding this Adjudicative Proceeding should be directed to Jen Christian, 801-538-3172.

DATED THIS 23<sup>rd</sup> day of February, 2011.

NEAL T. GOOCH  
INSURANCE COMMISSIONER

  
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MARK KLEINFELD, 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

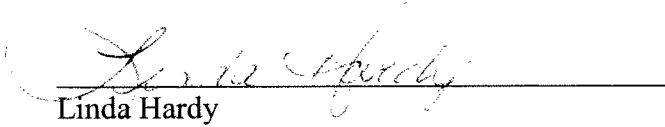
I do hereby certify that on this date I mailed, by regular mail, postage prepaid a true and correct copy of the attached:

NOTICE OF INFORMAL  
ADJUDICATIVE PROCEEDING  
AND ORDER  
Failure to Respond

To the following:

Adam D. Appell  
1305 Coconino Rd. Unit #307  
Ames, IA 50014-8047

DATED this 24<sup>th</sup> day of February, 2011

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

**UTAH  
Invoice**

Printed Date: February 23, 2011

Invoice Date: February 23, 2011  
Balance Due: \$250.00  
Due Date: March 14, 2011  
Invoice ID: 500447

APPELL ADAM D  
1305 COCONINO RD UNIT 307  
AMES IA 50014-8047

<b>Item Description</b>	<b>Amount</b>
Monetary Penalty Individual	\$250.00
<b>Original Amount Due</b>	<u>\$250.00</u>
<b>Payments Received</b>	
	<u><b>Balance Due</b></u>

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**UTAH  
Invoice**

Printed Date: February 23, 2011

Invoice Date: February 23, 2011  
Balance Due: \$250.00  
Due Date: March 14, 2011  
Invoice ID: 500447

Make checks payable to: Utah Insurance Department

Send payment to:

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

Adam D. Appell  
1305 Coconino Rd. Unit #307  
Ames, IA 50014-8047