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UTAH STATE
INSURANCE DEPT.

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

COMPLAINANT:

UTAH INSURANCE DEPARTMENT

RESPONDENTS:

STEVEN B. HEINZ

License No. 36695

S. B. HEINZ & ASSOCIATES, INC.

License No. 328035

5255 N. Edgewood Dr., Suite 375

Provo, UT 84604

**STIPULATION
&
ORDER**

Docket No. 2009-153 PC

Enf. Case No. 2414

STIPULATION

1. Respondent, Steven B. Heinz, is a licensed resident insurance agent in the State of Utah, holding License No. 36695. Respondent, S. B. Heinz & Associates, Inc., is a licensed resident insurance agency in the State of Utah, holding License No. 328035, and is owned by Respondent Steven B. Heinz.

2. Respondents stipulate 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. Respondents admit the Findings of Fact and Conclusions made therefrom;
c. Respondents stipulate to the summary entry of the Order herein which shall be in lieu of other administrative proceedings by Complainant in this matter; and
d. Respondents and Complainant have negotiated the terms of the Order entered herein and Respondents agree to its entry and further agree to be bound by all its terms.

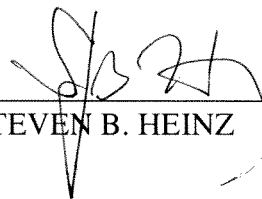
3. Respondents are aware of their right to a hearing at which they may be represented by counsel, present evidence and cross-examine witnesses. Respondents have irrevocably waived their right to such hearing and to any appeal related thereto.

4. Respondents admit the jurisdiction of the State of Utah Insurance Commissioner as to all matters herein.

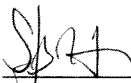
5. Respondents are acting herein free from any duress or coercion of any kind or nature, having been advised fully as to their rights set forth herein.

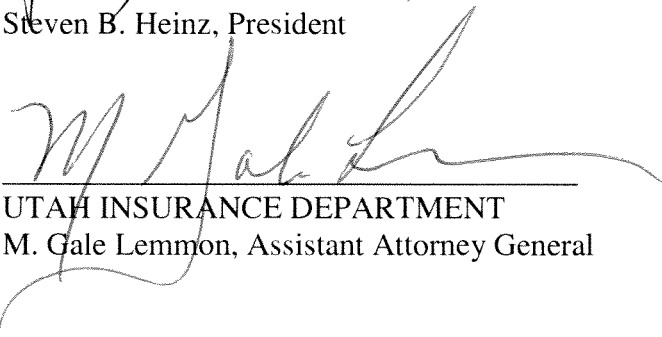
6. Respondents acknowledge that the issuance of this Order by the Commissioner is solely for the purpose of disposition of the matter entitled herein.

DATED this 26 day of October, 2009.



STEVEN B. HEINZ

 S.B. Heinz + Associates, Inc.
S. B. HEINZ & ASSOCIATES, INC.
Steven B. Heinz, President



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 or about January 2008, Respondent Steven B. Heinz approached a resident of the State of Utah regarding the purchase of a life insurance policy. Respondent Heinz represented that an entity which he did not disclose would pay for an own a policy on the resident's live and that the resident would be paid between \$60,000.00 to \$80,000.00 for allowing the policy to be placed on his life, the amount depending on the size of the policy qualified for.

2. Respondent Steven B. Heinz further provided information in connection with the application for a policy that falsified the applicant's assets and net worth by substantially overstating their value.

3. Respondent Steven B. Heinz also provided material to coach the applicant in responding to the insurer in order to mislead the insurer as to the true nature of the insurance transaction.

4. For a period of approximately 5 years, Respondent used the name S. B. Heinz & Associates in marketing insurance prior to licensing that name on June 9, 2009.

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

CONCLUSIONS OF LAW

1. In making a communication that contains false or misleading information relating to

an insurance product, Respondent violated Utah Code Annotated § 31A-23a-402(1)(a)(i).

2. In utilizing a name that was not licensed in connection with the marketing of insurance, Respondent violated Utah Code Annotated § 31A-23a-103(2).

3. Under Utah Code Annotated § 31A-23a-302(7), both the individual licensee and the agency are liable for the acts of the agent in the performance of his duties.

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. Respondents are assessed an administrative forfeiture, jointly and severally, in the amount of \$4,000.00, to be paid within 30 days of the date of this Order.

2. The licenses of the Respondents are placed on probation for a period of 24 months, beginning with the date of this Order. The terms of probation are that Respondents shall pay the administrative forfeiture assessed herein in a timely manner and shall have no further violations of the Utah Insurance Code or Rules or of any order of the commissioner.

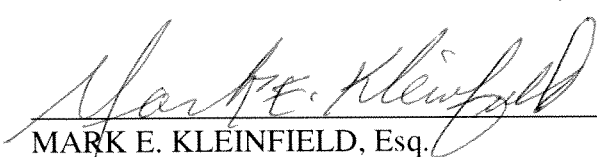
NOTIFICATION

Respondent is hereby notified that failure to abide by the terms of this Order may subject you to further penalties, including additional forfeitures of up to \$5,000.00 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 3rd day of November, 2009.

D. KENT MICHIE
INSURANCE COMMISSIONER



MARK E. KLEINFELD, Esq.

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

CERTIFICATE OF MAILING

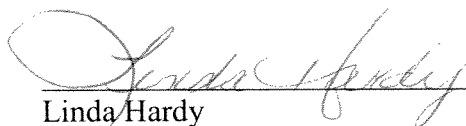
I do hereby certify that on this date I mailed, by regular mail, postage prepaid a true and correct copy of the attached:

STIPULATION & ORDER

To the following:

Steven B. Heinz & Associates
5255 N. Edgewood Dr. Suite 375
Provo, UT 84604

DATED this 3rd day of November 2009.



Linda Hardy

Court Clerk

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

**UTAH
Invoice - Original**

Printed Date: November 03, 2009
Invoice Date: November 03, 2009
Balance Due: \$4,000.00
Due Date: November 28, 2009
Invoice ID: 434963
Payor ID: 53433

HEINZ STEVEN B
5255 N EDGEWOOD DR STE 375
PROVO UT 84604

Item Description	Amount
11/3/2009 Monetary Penalty Individual E-Case 2414 Docket 2009-152 LC	\$4,000.00
Original Amount Due	<u>\$4,000.00</u>

**UTAH
Invoice - Original**

Invoice Date: November 03, 2009
Balance Due: \$4,000.00
Due Date: November 28, 2009
Invoice ID: 434963
Payor ID: 53433
Payor Name: HEINZ, STEVEN B

Make checks payable to: Utah Insurance Department

Send payment to:

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