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Utah Insurance Dept.

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

**COMPLAINANT:**

UTAH INSURANCE DEPARTMENT

**RESPONDENT:**

SHAWN K. C. BEHUNIN  
9222 Welby Hills Dr.  
West Jordan, UT 84088  
License Nos. 146081 & 268222

**STIPULATION  
&  
ORDER**

**Docket No. 2010-011 LC**

**Enf. Case No. 2505**

**STIPULATION**

1. Respondent, Shawn C.K. Behunin, was licensed as a Resident Customer Service Representative, License No. 146081, and as a resident individual producer, License No. 268222. Respondent's licenses lapsed for non-renewal on October 31, 2009.

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.

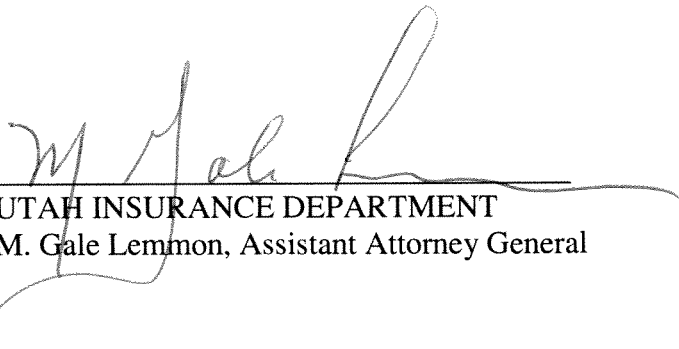
4. Respondent admits the jurisdiction of the State of Utah Insurance Commissioner as to all matters herein.

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 23 day of January, 2010.

  
\_\_\_\_\_  
SHAWN K. C. BEHUNIN

  
\_\_\_\_\_  
UTAH INSURANCE DEPARTMENT  
M. Gale Lemmon, Assistant Attorney General

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Based upon the foregoing Stipulation and information in the file, the Presiding Officer makes the following Findings of Fact:

**FINDINGS OF FACT**

1. Respondent failed to renew his Resident Customer Service Representative license and his Resident Individual Producer license, and those licenses lapsed for non-renewal on October 31, 2009.
2. On December 1, 2009, Respondent plead guilty to one charge of False/Fraudulent Insurance Claim, a 3<sup>rd</sup> degree felony, and to one charge of Theft, a 3<sup>rd</sup> degree felony.
3. These convictions related to Respondent's conduct as a licensed Consumer Service Representative, converting funds received as insurance premiums to his own purposes.

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

**CONCLUSIONS OF LAW**

1. Respondent has a right, pursuant to Utah Code Annotated § 31A-23a-111, for a period of one year after lapse, such right to reinstate is an interest in a license that allows the commissioner to take the actions herein.
2. In failing to forward funds received as premium payments to the insurer or deposit them into a trust account by the close of the next business day, Respondent violated Utah Code Annotated § 31A-23a-409.
3. Respondent's actions demonstrate that he fails to meet the character requirements of

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being competent and trustworthy required under Utah Code Annotated § 31A-23a-107(2) to hold an insurance license.

4. Respondent's licenses should be revoked pursuant to Utah Code Annotated § 31A-23a-111-(5)(b)(i), is unqualified for a license; -111(5)(b)(ii)(A), violated an insurance statute; -111(5)(b)(xii), improperly withholds, misappropriates, or converts monies or properties received in the course of doing insurance business; -111(5)(b)(xiv), is convicted of a felony; -111(5)(b)(xv), admits or is found to have committed an insurance unfair trade practice or fraud; -111(5)(b)(xiv), in the conduct of business uses fraudulent, or dishonest practices or demonstrates untrustworthiness; and -111(5)(b)(xxiv), engages in a method or practice in the conduct of business that endangers the legitimate interests of customers and the public.

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's insurance licenses are revoked forthwith.
2. Respondent shall immediately cease doing any insurance business in the State of Utah and shall not be an owner, director, officer, partner, member, employee, or agent of any person doing and insurance business in this State.

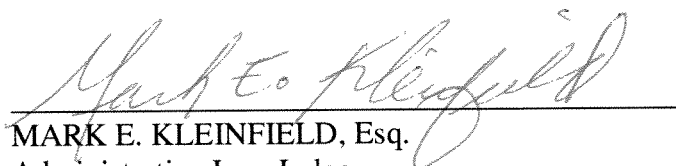
**NOTIFICATION**

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 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 1<sup>ST</sup> day of February, 2010.

NEAL T. GOOCH  
ACTING INSURANCE COMMISSIONER



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