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RECEIVED  
JAN 25 2010  
UTAH STATE  
INSURANCE DEPT

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

**COMPLAINANT:**

UTAH INSURANCE DEPARTMENT

**RESPONDENTS:**

DAVID LUKENS CE PROFESSIONALS

Provider No. 12453

DAVID R. LUKENS

License No. 133363

1356 West 3040 North

Pleasant Grove, UT 84062

**STIPULATION  
&  
ORDER**

**Docket No.** 2010-009 LC

**Enf. Case No.** 2601

**STIPULATION**


1. Respondent, David Lukens CE Professionals (“Lukens CE”), is an authorized insurance continuing education provider in the State of Utah, Provider No. 12453. Respondent, David R. Lukens (“Lukens”), is the owner of Lukens CE, and is a licensed insurance agent in the State of Utah, holding License No. 133363.

2. Respondents stipulate with the Complainant, Utah Insurance Department, as follows:

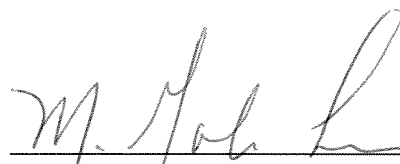
a. If a hearing were held, witnesses called by the Complainant could offer and introduce evidence that would support the Findings of Fact herein;

- b. Respondents argue 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 temporarily 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 not acting herein free from 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 23 day of January, 2010.

  
\_\_\_\_\_  
DAVID LUKENS CE PROFESSIONALS  
David R. Lukens, Owner

  
\_\_\_\_\_  
DAVID R. LUKENS

  
\_\_\_\_\_  
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. During at least the month of October 2009, Respondent Lukens, acting for and as Respondent Lukens CE, met with no fewer than three individual licensed producers one-on-one in local restraints for a period of between two and three hours and discussed insurance issues generally.

2. At the end of these meetings, Respondent Lukens, again acting for and as Respondent Lukens CE, would award and report to the department continuing education hours for the individual licensed producers in amounts of between 12 and 24 hours, when the entire meeting took between only two and three hours.

3. Respondents charged and collected fees from the individual licensed producers for the continuing education hours credited and reported to the department, and not the actual hours spent.

4. Respondent Lukens' presentation at these meetings did not follow the outlines filed with the department for the continuing education courses Lukens CE was authorized to provide.

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

**CONCLUSIONS OF LAW**

1. In providing false information to the commissioner regarding the continuing education hours completed by individual licensed producers, Respondent Lukens violated Utah Code Annotated §§ 31A-2-202(6) and 31A-23a-401(1)(a)(i).

2. Respondent Lukens' actions demonstrate that he does not meet the character requirements to hold an insurance producer's license under Utah Code Annotated § 31A-23a-107(2), of being competent and trustworthy.

3. In failing to teach the courses for which he was awarding continuing education credits and in awarding continuing education credits that were not earned, Respondent's demonstrated that Respondent Lukens CE's teaching method and program content no longer meets the standards required of continuing education providers under Utah Administrative Code Rule R590-8.

4. The certification of Respondent Lukens CE should be revoked pursuant to Utah Administrative Code Rule R590-8.

5. Respondent Lukens' producer license should be revoked pursuant to Utah Code Annotated § 31A-23a-111(5)(b)(i), is unqualified for a license; -111(5)(b)(ii)(A), has violated an insurance statute; -111(5)(b)(xvi), in the conduct of business uses fraudulent or dishonest practices or demonstrates incompetence or untrustworthiness; -111(5)(b)(xxiv), engages in a method or practice in the conduct of business that endanger the legitimate interests of customers and the public.

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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 David Lukens CE Professionals' certification to provide insurance continuing education in the State of Utah is revoked forthwith.

2. Respondent David R. Lukens' individual insurance producer's license is revoked

forthwith.

3. Respondent David R. Lukens shall immediately cease doing any insurance business in the State of Utah.


**NOTIFICATION**

Respondents are 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 28 day of January, 2010.

NEAL T. GOOCH  
ACTING 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

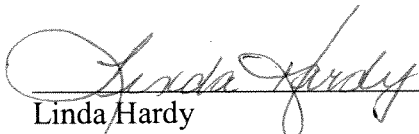
To the following:

David Lukens CE Professionals  
1356 West 3040 North  
Pleasant Grove, Utah 84062

&

David Lukens  
1356 West 3040 North  
Pleasant Grove, Utah 84062

DATED this 28<sup>th</sup> day of January 2010

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