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

COMPLAINANT:

UTAH INSURANCE DEPARTMENT

RESPONDENT:

STEPHEN ABRAHAM (ABE) ASHTON
1161 East 2450 South, Bldg. #6
St. George, UT 84790
License No. 279733

**STIPULATION
&
ORDER**

Docket No. : 2011-037 LF

Enf. Case No. 2814

STIPULATION

1. Respondent, Stephen Abraham (Abe) Ashton, is a licensed resident insurance agent in the State of Utah, holding License No. 279733.

2. Respondent stipulates with the Complainant, Utah Insurance Department, as follows:

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

b. Respondent neither admits nor denies 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.

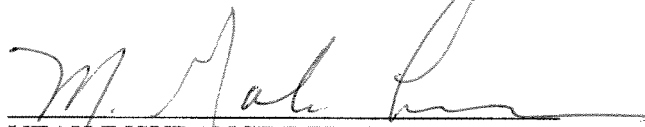
4. Respondent admits the jurisdiction of the State of Utah Insurance Commissioner as to all matters herein.

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 his Order by the Commissioner is solely for the purpose of disposition of the matter entitled herein.

DATED this 12 day of April, 2011.


STEPHEN ABRAHAM (ABE) ASHTON


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 the period of June 10, 2005, through November 27, 2007, Respondent sold no fewer than 19 Allianz Life Insurance Company of North America ("Allianz) annuity contracts that were not filed in the state of Utah to residents of the State of Utah.

2. Respondent did not inform the insureds that the Allianz contracts they were purchasing could not be sold in Utah because they had not been filed with the Utah Insurance Department and that they did not meet the requirements of Utah's standard non-forfeiture law.

3. Respondent submitted the applications for these annuity Allianz contracts by listing or causing to be listed a mailing address in the State of Nevada, when he knew that the applicants actually lived in the State of Utah, and instructed the applicants to provide Allianz a change of address to their actual residential address in the State of Utah sometime after the contract had been issued.

4. Respondent further represented that some of these Allianz annuity contracts were signed in Nevada, when that was not the case.

5. During the period of time from June 17, 2002 through April 1, 2003, Respondent sold no fewer than 11 North American Company for Life and health Insurance ("NACOLAH") annuity contracts that were not filed in the State of Utah to residents of the State of Utah.

6. Respondent did not inform the insureds that the NACOLAH contracts they were purchasing could not be sold in Utah because they had not been filed with the Utah Insurance Department and that they did not meet the requirements of Utah's standard non-forfeiture law.

7. Respondent represented in some cases that the applications for NACOLAH annuity contracts were signed in Nevada, when that was not the case.

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 or misleading information relating to an insurance contract to an insured Respondent violated Utah Code Annotated § 31A-23a-402(1)(a)(i).
2. In providing misleading information on an insurance application to an insurer, Respondent violated Utah Code Annotated § 31A-23a-402(1)(a)(i).

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 is assessed an administrative forfeiture in the amount of \$15,000.00 to be paid within 30 days of the date of the Order.
2. Respondent's insurance producer's license is placed on probation for a period of 12 months beginning as of March 1, 2011. The terms of probation is that Respondent shall pay the forfeiture imposed 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 \$2,500.00 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 19th day of April, 2011.

NEAL T. GOOCH
INSURANCE COMMISSIONER


MARK E. KLEINFLELD 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:

Stephen Abraham (Abe) Ashton
1161 East 2450 South, Bldg. #6
St. George, UT 84790

DATED this 19th day of April, 2011



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

**UTAH
Invoice**

Printed Date: April 18, 2011

Invoice Date: April 18, 2011
Balance Due: \$15,000.00
Due Date: April 20, 2011
Invoice ID: 507784

ASHTON STEPHEN ABRAHAM
1611 EAST 2450 SOUTH BLDG 6
SAINT GEORGE UT 84790

31-293-1243 1024
 E-Sign® PLUS Check Fraud Prevention & ID Protection
 4-12 2011
 S. ABE ASHTON
 KIMBERLY ASHTON
 435-628-8457
 3052 S. LIMESTONE CIRCLE
 ST. GEORGE, UT 84790
 PAY TO THE ORDER OF UTAH INSURANCE DEP \$ 15,000⁰⁰
 FIFTEEN THOUSAND +⁰⁰ DOLLARS
 THE VILLAGE BANK
 WWW.THEVILLAGEBANK.COM
 FOR _____
 ⑆ 24302930⑆ 11 34391 011 1024

	Amount
Amount Due	\$15,000.00
Balance Due	\$15,000.00

**UTAH
Invoice**

Printed Date: April 18, 2011

Invoice Date: April 18, 2011
Balance Due: \$15,000.00
Due Date: April 20, 2011
Invoice ID: 507784

Make checks payable to: Utah Insurance Department

Send payment to:

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