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Salt Lake City, UT 84114
Telephone (801) 538-3872

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

COMPLAINANT:

UTAH INSURANCE DEPARTMENT

RESPONDENT:

BARBARA A. RUFENER
8543 S. Monroe St.
Midvale, UT 84047
License No. 61637

**STIPULATION
&
ORDER**

Docket No. 2007-113-LC

Enf. Case No. 2021

STIPULATION

1. Respondent, Barbara A. Rufener, is a licensed insurance agent in the State of Utah, holding License No. 61637.

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

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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 her right to a hearing at which she may be represented by counsel, present evidence and cross-examine witnesses. Respondent has irrevocably waived her right to such hearing and to any appeal related thereto.

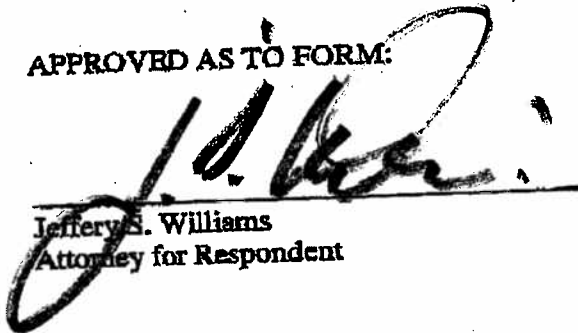
4. Respondent admits the jurisdiction of the State of Utah Insurance Commissioner as to all matters herein.

5. Respondent is acting herein free from any duress or coercion of any kind or nature, having been advised fully as to her rights set forth herein.

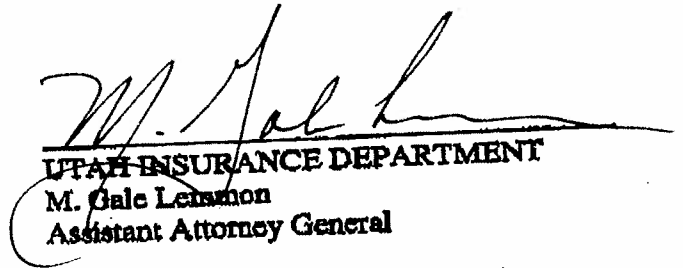
6. Respondent acknowledges that the issuance of this Order by the Commissioner is solely for the purpose of disposition of the matter entitled herein.

DATED this 28th day of February, 2008.

APPROVED AS TO FORM:


Jeffery S. Williams
Attorney for Respondent


BARBARA A. RUFENER


UTAH INSURANCE DEPARTMENT
M. Gale Letcher
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. On or about August 6, 2004, Respondent prepared a bid bond and performance bond for Frontier Mechanical, LC, as Principal and Western Surety Company as Surety. At the time of the preparation of said bond, Respondent knew that Western Surety Company had declined to issue the bond, and that the bond was not authorized.

2. Sometime after preparing the bond, Respondent prepared an invoice from Infinity Insurance to Frontier Mechanical, LC, for the unauthorized bond, knowing that the invoice was false and that no legitimate bond had been issued justifying the invoice.

3. On or about February 19, 2008, Nunc Pro Tunc to March 19, 2007, Respondent entered a guilty plea in Third District Court, Salt Lake County, State of Utah, to one count of communications fraud, a misdemeanor in connection with the above acts.

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

CONCLUSIONS OF LAW

1. In participating in the issuance of a fraudulent bond and invoice, Respondent made, caused to be made, or facilitated a communication that contained false or misleading information relating to an insurance policy in violation of Utah Code Annotated § 31A-23a-402(1)(a)(i).

2. Based upon the above, Respondent brings into question her character required to hold an insurance agent's license under Utah Code Annotated § 31A-23a-107(2).

3. Respondent's insurance agent's license is subject to suspension for a period of up to 12 months pursuant to Utah Code Annotated § 111(5)(b)(ii)(A), has violated an insurance statute; -111(5)(b)(xvi)(A), has used fraudulent or dishonest practices in the conduct of business; and -111(5)(b)(xvi)(B), has demonstrated incompetence or untrustworthiness in the conduct of business. Her license is also subject to being placed on probation thereafter for a period of up to 24 months pursuant to Utah Code Annotated § 31A-23a-112. Respondent is also subject to the imposition of an administrative forfeiture in an amount of up to \$2,500.00 for each violation of the Utah Insurance Code or Rules.

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 agent's license is hereby suspended for a period of 30 days beginning on March 1, 2008. During the period of suspension, Respondent shall not act in any capacity for which an insurance agent's license is required.

2. Respondent is assessed an administrative forfeiture in the amount of \$1,000.00, to be paid within 10 days after the termination of the suspension of her license, or 45 days after the date of this Order, whichever is shorter.

3. Respondent's insurance agent's license is placed on probation for a period of 24 months, beginning with the termination of the suspension imposed herein above. The terms of probation are that Respondent shall pay the administrative forfeiture imposed herein in a timely manner, shall have no further violations of the Utah Insurance Code or Rules or of any order of the commissioner, and shall make an appointment and meet with the department investigator assigned to this case prior to the expiration of each six (6) months during the period of probation.

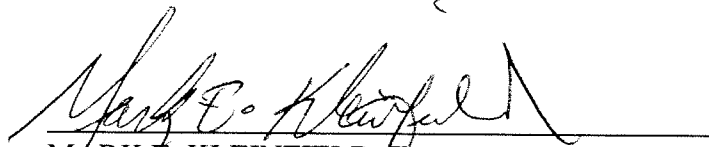
NOTIFICATION

You 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 \$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 28th day of February, 2008.

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:

Barbara A Rufener
8543 S Monroe St
Midvale, Ut 84047

Jeffrey S Williams
Nelson, Christensen, Helsten, Hollingworth & Williams
68 S Main St 6th Floor
Salt Lake City, Ut 84101

DATED this 29th day of February, 2008.


Angie Thomas Court Clerk

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