

M. GALE LEMMON #4363  
Assistant Attorney General  
MARK L. SHURTLEFF #4666  
Attorney General  
Attorneys for Utah Insurance Department  
State Office Building, Room 3110  
Salt Lake City, UT 84114  
Telephone (801) 538-3872

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

**COMPLAINANT:**

UTAH INSURANCE DEPARTMENT

**RESPONDENT:**

THE FRANK GATES SERVICE COMPANY  
5000 Bradenton Ave.  
Dublin, OH 43017  
License No. 92287

**STIPULATION  
&  
ORDER**

Docket No. 2008-049LC

Enf. Case No. 2152

**STIPULATION**

1. Respondent, The Frank Gates Service Company, is a licensed non-resident third party administrator in the State of Utah, holding License No. 92287.

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 its right to a hearing at which it may be represented by counsel, present evidence and cross-examine witnesses. Respondent has irrevocably waived its 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 its 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 30<sup>th</sup> day of May, 2008.

  
\_\_\_\_\_  
THE FRANK GATES SERVICE COMPANY  
Jacqueline Duarte, Vice Pres., National Compliance

  
\_\_\_\_\_  
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. On or about February 16, 2007, the State of Georgia took administrative action against the Respondent for providing administrator services while unlicensed.
2. Respondent failed to report the Georgia action to the department until April 1, 2008.

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

**CONCLUSIONS OF LAW**

1. In failing to report an administrative action taken against it by another jurisdiction within 30 days of the final disposition of the administrative action, Respondent violated Utah Code Annotated § 31A-23a-105(2).

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 \$250.00, to be paid within 30 days of the date of this Order.

**NOTIFICATION**

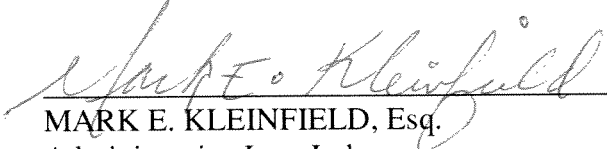
Respondent is hereby notified that failure to abide by the terms of this Order may subject you to further penalties, including additional forfeitures of up to \$5,000.00 per violation and the

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 5<sup>nd</sup> day of June, 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:

The Frank Gates Service Company  
5000 Bradenton Ave  
Dublin, OH 43017

DATED this 3rd day of June, 2008.

  
\_\_\_\_\_  
Angie Thomas Court Clerk  
Utah Department of Insurance  
State Office Building, Room 3110  
Salt Lake City, UT 84114-6901

**UTAH  
Invoice**

Printed Date: June 03, 2008

Invoice Date: June 03, 2008  
Balance Due: \$250.00  
Due Date: July 03, 2008  
Invoice ID: 381984

FRANK GATES SERVICE COMPANY THE  
5000 BRADENTON AVE  
DUBLIN OH 43017

**Item Description**

Monetary Penalty Company

*Case 2152 2008-0491LC*

**Amount**

\$250.00

**Original Amount Due**

\$250.00

---

**UTAH  
Invoice**

Printed Date: June 03, 2008

Invoice Date: June 03, 2008  
Balance Due: \$250.00  
Due Date: July 03, 2008  
Invoice ID: 381984

Make checks payable to: Utah Insurance Department

Send payment to:

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

**Detach and Return with Payment**