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FEB 23 2009
UTAH STATE
INSURANCE DEPT.

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

COMPLAINANT:

UTAH INSURANCE DEPARTMENT

RESPONDENT:

JOHN J. LAUBER, JR.
4068 Acord Way
West Valley City, UT 84120
License No. 42244

**STIPULATION
&
ORDER**

Docket No. 2009-028 LC

Enf. Case No. 2347

STIPULATION

1. Respondent, John J. Lauber, Jr., is a licensed insurance agent in the State of Utah, holding License No. 42244.
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.

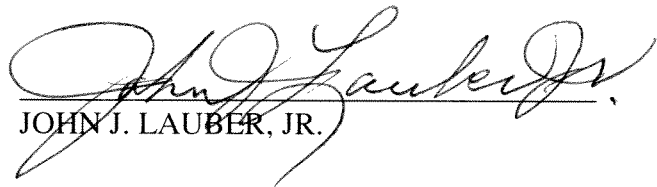
3. Respondent is aware of his right to a hearing at which he may be represented by counsel, present evidence and cross-examine witnesses. Respondent has irrevocably waived his right to such hearing and to any appeal related thereto.

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 20 day of February, 2009.


JOHN J. LAUBER, JR.


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. Between the dates of November 30, 2006 and April 16, 2008, Respondent failed to pay premiums on his automobile policies with Farmers Insurance Exchange, for whom he acted as an agent, totaling \$1,234.45.

2. When cancellation notices were sent for non-payment of policy premiums, Respondent without authorization went into Farmers' computer system and changed the status of the policy to "reinstated" but without paying the premiums.

3. A shortage in the Farmers cash collection reports was discovered and Framers instituted an investigation where Respondent's actions were discovered and Respondent's appointments with the Farmers' companies were terminated on May 1, 2008.

4. Respondent's actions in falsifying an insurer's records demonstrate that Respondent is not trustworthy.

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

CONCLUSIONS OF LAW

1. Respondent fails to meet the character requirements to hold an insurance agent's license under Utah Code Annotated § 31A-23a-107(2) of being competent and trustworthy.

2. In falsifying Farmers' computer records regarding his personal policy, Respondent violated Utah Code Annotated § 31A-23a-402(1)(a)(i) and constitutes a fraudulent insurance act under Utah Code Annotated § 31A-31-103(1)(a).

3. Respondent's insurance agent's 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.

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 revoked forthwith.
2. Respondent shall immediately cease doing any insurance business in the State of Utah.

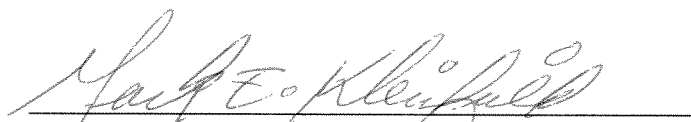
NOTIFICATION

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 25 day of February, 2009.

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:

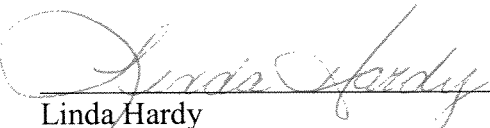
STIPULATION
&
ORDER

License Revoked

To the following:

John J. Lauber
4068 Accord Way
West Valley City, Utah 84123

DATED this 25th day of February, 2009.


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