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

**COMPLAINANT:**

UTAH INSURANCE DEPARTMENT

**RESPONDENT:**

BRYAN G. SMITH  
3295 Alta Hills Dr.  
Sandy, UT 84093  
License No. 48154

**STIPULATION  
&  
ORDER**

Docket No. 2009-057 PC

Enf. Case No. 2353

**STIPULATION**

1. Respondent, Bryan G. Smith, is a licensed resident insurance agent in the State of Utah, holding License No. 48154.
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 12 day of April, 2009.

  
BRYAN G. SMITH

  
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 June 12, 2008, Respondent was convicted of forgery, a 3<sup>rd</sup> degree felony in the Third Judicial District Court, State of Utah.

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

**CONCLUSIONS OF LAW**

1. In being convicted of a felony involving dishonesty or breach of trust, Respondent is prohibited from engaging in the insurance business pursuant to 18 U.S.C. § 1033.

2. In being convicted of a felony involving dishonesty or breach of trust, Respondent demonstrated that he does not meet the character requirements to hold an insurance agent's license under Utah Code Annotated § 31A-23a-107(2).

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)(xiv), is convicted of a felony; and -111(5)(b)(xvi), in the conduct of business uses fraudulent or dishonest practices or demonstrates untrustworthiness.

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 and shall not be an owner, either directly or indirectly, officer, director, agent or employee of any entity doing an 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 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 15<sup>th</sup> day of April, 2009.

D. KENT MICHIE  
INSURANCE COMMISSIONER

  
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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:

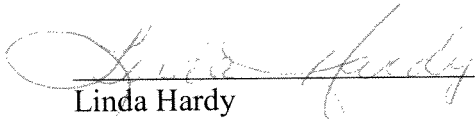
STIPULATION  
&  
ORDER

License Revoked

To the following:

Bryan Smith  
3295 Alta Hills Dr.  
Sandy, Utah 84093

DATED this 15<sup>th</sup> day of April, 2009.

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