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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:**

HERTZ CLAIM MANAGEMENT CORP.  
P.O. Box 7857  
Burbank, CA 91510  
License No. 303119

**STIPULATION  
&  
ORDER**

Docket No. 2009-067 LC

Enf. Case No. 2373

**STIPULATION**

1. Respondent, Hertz Claim Management Corp., is a non-resident independent adjuster licensed in the State of Utah, holding License No. 303119.

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.

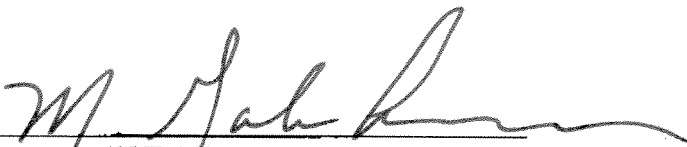
4. Respondent admits the jurisdiction of the State of Utah Insurance Commissioner as to all matters herein.

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 19<sup>th</sup> day of MAY, 2009.

  
HERTZ CLAIM MANAGEMENT CORP.  
John Fahey, Vice President

  
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. Respondent was previously licensed as a non-resident independent adjuster in the State of Utah under the name HCM Claim Management Corporation.
2. The license for HCM Claim Management Corporation lapsed on April 30, 2000, for non-renewal.
3. After the lapse of its license, Respondent continued to act as an adjuster in the State of Utah without a license for a period of over 8 ½ years, until it obtained a new license under the name of Hertz Claim Management Corp. on November 18, 2008.
4. During the period that it was unlicensed, Respondent acted as an adjuster in the State of Utah in about 315 cases and received at least \$9,750.00 in fees for that service.

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

**CONCLUSIONS OF LAW**

1. In continuing to act as an independent adjuster after its license had lapsed, Respondent acted as an adjuster without a license in violation of Utah Code Annotated § 31A-23-201(1).
2. Pursuant to Utah Code Annotated § 31A-2-308, Respondent is subject to forfeitures of twice the amount of the profit gained from violations of the Utah Insurance Code plus additional forfeitures of up to \$5,000.00 for each violation.

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 \$59,500.00, to be paid within 30 days of the date of this Order.

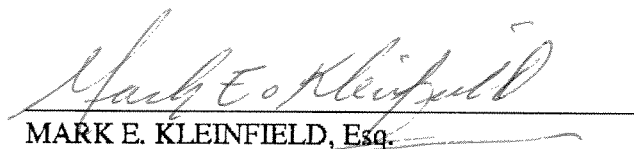
**NOTIFICATION**

Respondent is hereby notified that failure to abide by the terms of this Order may subject it to further penalties, including additional forfeitures of up to \$5,000.00 per violation and the suspension or revocation of its 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 27<sup>th</sup> day of May, 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

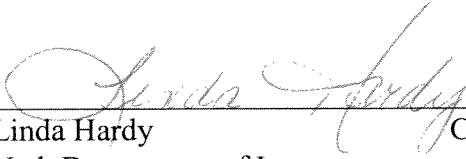
I do hereby certify that on this date I mailed, by regular mail, postage prepaid a true and correct copy of the attached:

STIPULATION  
&  
ORDER

To the following:

John Fahey, Vice President  
Hertz Claim Management Corp.  
225 Brae Blvd.  
Park Ridge, NJ 07656-0713

DATED this 26<sup>th</sup> day of May, 2009.

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

**UTAH**  
**Invoice - Original**

Printed Date: May 27, 2009  
 Invoice Date: May 27, 2009  
 Balance Due: \$59,500.00  
 Due Date: June 25, 2009  
 Invoice ID: 414433  
 Payor ID: 159628

HERTZ CLAIM MANAGEMENT CORPORATION  
 PO BOX 7857  
 BURBANK CA 91510

<b>Item Description</b>	<b>Amount</b>
5/27/2009 Monetary Penalty Agency	\$59,500.00
E-Case 2373 Docket 2009-067 LC	
<b>Original Amount Due</b>	<b>\$59,500.00</b>

**UTAH**  
**Invoice - Original**

Invoice Date: May 27, 2009  
 Balance Due: \$59,500.00  
 Due Date: June 25, 2009  
 Invoice ID: 414433  
 Payor ID: 159628  
 Payor Name: HERTZ CLAIM  
 MANAGEMENT  
 CORPORATION

Make checks payable to: Utah Insurance Department

Send payment to:

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