

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

IN RE THE APPLICATION OF:

FINANCIAL HARBOR, LLC
 10813 River Front Parkway, #175
 South Jordan, UT 84095
 License Pending

STIPULATION
 AND ORDER

Docket No. 2009-046-LC

Enf. Case No. 2384

STIPULATION

1. Applicant, Financial Harbor, LLC, is a limited liability company in the State of Utah that has applied for a resident producer agency license, which application is currently pending.

2. Applicant stipulates with the, Utah Insurance Department, as follows:

a. If a hearing were held, witnesses called by the Department could offer and introduce evidence that would support the Findings of Fact herein;

b. Applicant admits the Findings of Fact and Conclusions made therefrom;

c. Applicant stipulates to the summary entry of the Order herein which shall be in lieu of other administrative proceedings by Department in this matter; and

d. Applicant and Department have negotiated the terms of the Order entered herein and Applicant agrees to its entry and further agrees to be bound by all its terms.


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

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

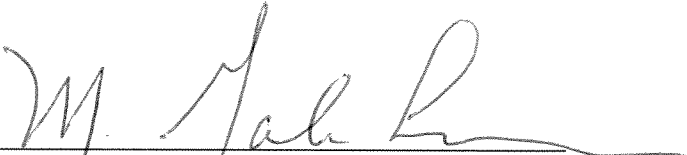
5. Applicant is acting herein free from any duress or coercion of any kind or nature, having been advised fully as to its rights set forth herein.

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

DATED this 27th day of April, 2009.



FINANCIAL HARBOR, LLC
Randall R. Smart, Attorney for Applicant



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. Applicant submitted an application for a Utah resident producer agency license on January 14, 2009. Said application was denied on February 5, 2009, for failure to meet the licensing requirements under Utah Code Annotated § 31A-23a-107.

2. Applicant requested a hearing on the denial of its application on February 17, 2009.

3. While the first application was pending, the Applicant submitted a second application on February 18, 2009. In said application, Applicant answered “No” to the question “Has the business ... ever been involved in an administrative proceeding ...? ‘Involved’ also means having a license application denied....”

4. The second application was denied on February 24, 2009, on the same grounds as the first application and for providing information in the license application that was incorrect, misleading, or materially untrue.

5. Following the submission of the second application, the Applicant resolved the issue that prevented it from meeting the licensing requirements under Utah Code Annotated § 31A-23a-107, and withdrew the application dated January 14, 2009, and is now otherwise qualified for a license.

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

CONCLUSIONS OF LAW

1. In providing information on a license application that was incorrect misleading or

materially untrue, the Applicant violated Utah Code Annotated § 31A-2-202(6).

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. Applicant is assessed an administrative forfeiture in the amount of \$250.00, to be paid within 30 days following the date of this Order.
2. The Department shall issue to the Applicant the license applied for, following the payment of the forfeiture assessed herein, on a probationary status for a period of 12 months beginning from the date of licensure. The terms of probation are that the Applicant shall have no further violations of the Utah Insurance Code or Rules or of any order of the commissioner.

NOTIFICATION

Applicant is hereby notified that other jurisdictions in which it may be licensed may require that you report this action to them.

DATED this 27 day of April, 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:

Financial Harbor, LLC
10813 River Front Parkway, # 175
South Jordan, UT 84094

DATED this 27th day of April, 2009.



Linda Hardy Court Clerk

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

UTAH
Invoice - Original

Printed Date: April 27, 2009
 Invoice Date: April 27, 2009
 Balance Due: \$250.00
 Due Date: May 24, 2009
 Invoice ID: 411202
 Payor ID: 160284

FINANCIAL HARBOR LLC
 10813 S RIVERFRONT PKWY
 STE 175
 SOUTH JORDAN UT 84095

Item Description	Amount
4/27/2009 Monetary Penalty Company	\$250.00
E-Case 2384 Docket 2009-046 LC	
Original Amount Due	\$250.00

UTAH
Invoice - Original

Invoice Date: April 27, 2009
 Balance Due: \$250.00
 Due Date: May 24, 2009
 Invoice ID: 411202
 Payor ID: 160284
 Payor Name: FINANCIAL HARBOR,
 LLC

Make checks payable to: Utah Insurance Department

Send payment to:

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