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BEFORE THE INSURANCE COMMISSIONER  
OF THE STATE OF UTAH

**COMPLAINANT:**

UTAH INSURANCE DEPARTMENT

**RESPONDENT:**

BRADLEY DAVID SUNDERLAND  
4750 Rose Creek Pkwy  
Fargo, ND 58104  
License No. 259668

**STIPULATION AND ORDER**

Docket No.

Enf. Case No. 2500

RECEIVED

MAR 10 2019

**STIPULATION**

UTAH STATE  
INSURANCE DEPT

1. Respondent, Bradley David Sunderland is a non-resident insurance agent licensed in the State of Utah, holding License No. 259688.

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.

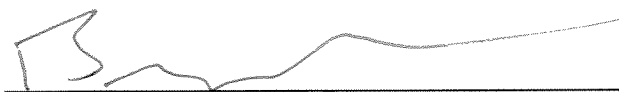
3. Respondent is aware of his right to a hearing at which he may be represented by counsel, present evidence and cross-examine witnesses. Respondent has irrevocably waived his right to such hearing and to any appeal related thereto.


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 purpose of disposition of the matter entitled herein.

DATED this 8<sup>th</sup> day of March, 2010.

  
BRADLEY DAVID SUNDERLAND

  
UTAH INSURANCE DEPARTMENT  
M. Gale Lemmon  
Assistant Attorney General

Based upon the foregoing Stipulation and information in the file, the Presiding Office makes the following Findings of Fact:

### **FINDINGS OF FACT**

1. Respondent Bradley David Sunderland (Sunderland) holds an active non-resident producer's license, and was first licensed by the Department on or about April 11, 2002.
2. On or about September 29, 2008, a Department investigator, Richard Grieser, received a referral from the Producer Licensing Division advising that Respondent had failed to notify the Department of an administrative action taken against his license by the State of Wisconsin.
3. On September 29, 2008, the investigator contacted Respondent Sunderland regarding the failure to report. Respondent stated he was aware of the reporting requirement and assured the investigator such non-reporting would not happen again.
4. Again, on October 15, 2008, in a phone conversation with the investigator, Respondent re-assured the investigator that a future violation would not occur. The investigator issued a verbal warning/admonition to Respondent at that time.
5. On or about July 23, 2009, the investigator received a second Producer Licensing referral in which it was alleged that Respondent had failed to report an administrative action against him by the State of Delaware.
6. On July 30, 2009, in an unsuccessful attempt to reach Respondent, the investigator

spoke with a member of his staff who agreed to provide a statement of circumstances and documentation regarding the Delaware action no later than August 10, 2009.

7. On August 12, 2009, the investigator received email from Sunderland's staff member which included a statement from Sunderland and supporting documents.

8. After several unsuccessful attempts to receive further information from Sunderland, the investigator received an email on August 27, 2009 listing the status on actions taken in other states, but not a complete statement.

9. Respondent Sunderland admits he failed to timely notify the Department of administrative action against him in other jurisdictions, and that he missed deadlines in conveying all requested information to the investigator.

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

**CONCLUSIONS OF LAW**

1. Utah Code Ann. § 13A-23a-105(2)(b) requires that a licensee shall report to the Commissioner any administrative action taken against the person in another jurisdiction within 30 days of the final disposition of the administrative action.

2. Utah Code Ann. § 13A-2-202(4)(a) and (6) requires that a person reply promptly and in writing or in any other designated form to a reasonable written inquiry from the commissioner, and that all information submitted shall be accurate and complete.

3. By failing to report administrative actions taken against his license in other states, Respondent was in violation of Utah Code Ann. § 13A-23a-105(2).

4. By missing deadlines and sending incomplete statements, Respondent was in violation of Utah Cod Ann. § 31A-2-202 (4)(a) and (6).

5. An administrative forfeiture of \$750.00 and probation for a term of 12 months is appropriate under the circumstances.

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 Bradley David Sunderland is assessed a forfeiture of \$750.00 to be paid to the Utah Insurance Department within 30 days of issuance of this Order.

2. Respondent Sunderland is placed on probation for a period of 12 months beginning from the date of this Order. The terms of probation are that Respondent shall pay the administrative forfeiture in a timely manner and shall have no further violations of the Utah Insurance Code or Rules or any order of the Commissioner.

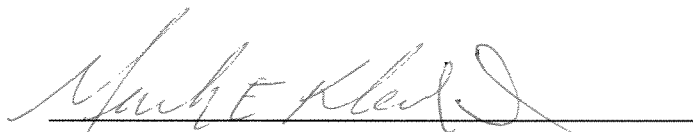
### **NOTIFICATION**

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 \$2,500.00 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 11<sup>th</sup> day of March, 2010.

NEAL T. GOOCH  
Acting Insurance Commissioner



MARK E. KLEINFELD  
Administrative Law Judge  
Utah Insurance Department  
State Office Building, Room 3110  
Salt Lake City, Utah 84114  
Telephone: (801) 538-3800

## CERTIFICATE OF MAILING

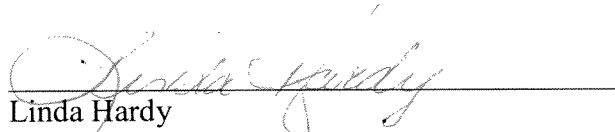
I do hereby certify that on this date I mailed, by regular mail, postage prepaid a true and correct copy of the attached:

### STIPULATION & ORDER

To the following:

Bradley David Sunderland  
4750 Rose Creek Pkwy  
Fargo, ND 58104

DATED this 15<sup>th</sup> day of March, 2010.

A handwritten signature in cursive script, appearing to read "Linda Hardy", is written over a horizontal line.

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

**UTAH  
Invoice**

Printed Date: March 15, 2010

Invoice Date: March 10, 2010  
Balance Due: \$0.00  
Due Date: April 14, 2010  
Invoice ID: 451579

SUNDERLAND BRADLEY DAVID  
4750 ROSE CREEK PKWY  
FARGO ND 58104

<b>Item Description</b>	<b>Amount</b>
Monetary Penalty Company	\$750.00
<b>Original Amount Due</b>	<b>\$750.00</b>
<b>Payments Received</b>	
3/10/2010 Check	\$750.00
<b>Balance Due</b>	<b>\$0.00</b>

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**UTAH  
Invoice**

Printed Date: March 15, 2010

Invoice Date: March 10, 2010  
Balance Due: \$0.00  
Due Date: April 14, 2010  
Invoice ID: 451579

Make checks payable to: Utah Insurance Department

Send payment to:

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