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

RECEIVED
NOV 02 2009
UTAH STATE
INSURANCE DEPT.

COMPLAINANT:

UTAH INSURANCE DEPARTMENT

RESPONDENT:

JOHN CHRISTOPHER SOUTH
aka JOHN RIQUEROS
4005 Devonshire Dr.
Provo, UT 84604
License No. 229829

**STIPULATION
&
ORDER**

Docket No. 2009-152 PC

Enf. Case No. 2530

STIPULATION

1. Respondent, John Christopher South, aka John Requieros, is a licensed insurance agent in the State of Utah, holding License No. 229829.
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 29th day of OCTOBER, 2009.



JOHN CHRISTOPHER SOUTH



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 July 2008, Respondent received a check in the amount of \$557.34 as a premium payment from a Utah resident in connection with an application for an insurance policy.

2. Instead of forwarding the check to the insurer or depositing it into his trust account by the close of business the next business day, Respondent deposited the check into his operating account, diverting those funds to his own use.

3. The insured received a notice from the insurer on or about October 21, 2008, that his policy was pending cancellation for non-payment of premium.

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

CONCLUSIONS OF LAW

1. In failing to forward funds received as a premium payment to the insurer or deposit them into a trust account by the close of the next business day, Respondent violated Utah Code Annotated § 31A-23a-409.

2. In failing to forward premiums received to the insurer, Respondent violated Utah Code Annotated § 31A-23a-411.1 and committed a fraudulent insurance act under Utah Code Annotated § 31A-31-103(1)(f).

3. Respondent's action demonstrates that he does not meet the character requirements to

hold an insurance agent's license under Utah Code Annotated § 31A-23a-107(2) of being competent and trustworthy.

4. 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; -111(5)(b)(xii), improperly withholds, misappropriates or converts monies received in the course of doing business; -111(5)(b)(xv), admits or is found to have committed an insurance unfair trade practice or fraud; -111(5)(b)(xvi)(B), in the conduct of business demonstrates untrustworthiness; and -111(5)(b)(xxiv), engages in a method or practice in the conduct of business that endangers the legitimate interest of customers and the public.

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 Utah insurance agent's license is revoked forthwith.
2. Respondent shall immediately cease doing any insurance business in the State of Utah or acting in any capacity for with a Utah insurance license is required.

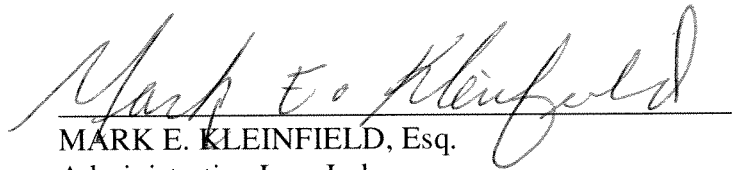
NOTIFICATION

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 29th day of OCTOBER, 2009.

D. KENT MICHIE
INSURANCE COMMISSIONER



A handwritten signature in cursive script, reading "Mark E. Kleinfeld", is written over a horizontal line.

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

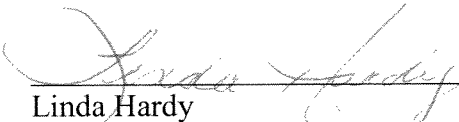
I do hereby certify that on this date I mailed, by regular mail, postage prepaid a true and correct copy of the attached:

STIPULATION & ORDER

To the following:

John Christopher South
Aka
John Riqueros
4005 Devonshire Dr.
Provo, UT 84604

DATED this 3rd day of November 2009.


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