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Assistant Attorney General
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Salt Lake City, Utah 84114
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RECEIVED

MAR 09 2010

UTAH STATE
INSURANCE DEPT.

BEFORE THE INSURANCE COMMISSIONER
OF THE STATE OF UTAH

COMPLAINANT:

UTAH INSURANCE DEPARTMENT

RESPONDENT:

STEPHEN KENT ASHTON
3585 N. University Avenue #275
Provo, UT 84604
License No. 317125

STIPULATION AND ORDER

Docket No. 2010-045 LC

Enf. Case No. 2576

STIPULATION

1. Respondent, Stephen Kent Ashton is a licensed insurance agent in the State of Utah, holding License No. 317125.
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.

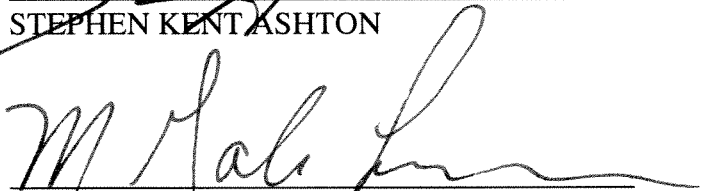
4. Respondent admits the jurisdiction of the State of Utah Insurance Commissioner as to all matters herein.

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 day of March, 2010.


STEPHEN KENT ASHTON


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 August 6, 2009, Department investigator, Richard Greiser, attended an advertised “Free Financial Workshop” presented by Respondent at an Orem, Utah restaurant.
2. During the presentation, Respondent provided attendees with a folder containing various handouts and advertisements.
3. Respondent also presented a PowerPoint slide show during the presentation.
4. Among the handouts was a folder identified on the front and back cover as “One for the Money Financial” and giving an office and phone number which are Respondent’s Provo office address and phone number.
5. The Department investigator determined, and Respondent admitted, that Respondent was not associated with the entity “One for the Money Financial,” and the telephone number on the folder was associated with Respondent’s business “Ashton Financial.”
6. A business card for “Ashton Financial” was included in the handouts at the workshop, but nowhere on the business card was it indicated what type of business “Ashton Financial” is nor did it identify “Steve Ashton” as an insurance producer.
7. Although the workshop PowerPoint slide show included statistics, the source of the statistics was not given.
8. Throughout the workshop, Respondent associated himself to the book “One for the Money” written by Marvin J. Ashton and published the LDS Church. Each slide of the PowerPoint also references “Following the Principles of One for the Money by Marvin J.

Ashton” as to give the impression that Respondent had the permission and or endorsement of the author and the LDS Church.

9. It was not until October 5, 2009 at the encouragement of the Department that Respondent received written permission from the LDS Church to utilize and distribute the book with the understanding that Respondent does not imply endorsement of Respondent’s business by the Church.

10. At the time of the workshop, Respondent held a non-resident producer license. Respondent established residency in Midway, UT, set up his office in Provo Utah, and conducted business for well over a year before he obtained his resident producer license.

11. Respondent did not update with the Department his address and telephone number from Midway to Provo when he established a principle business office in Provo, Ut.

12. Respondent generated various marketing, advertising materials, business cards and signage using the name “Ashton Financial.” Respondent stated that he used the name as a dba while conducting the business of insurance without an agency license.

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. § 31A-23a-105(4) (West 2009) states:

To become a resident licensee in accordance with Section 31A-23a-104 and this section, a person licensed as one of the following in another state who moves to this state shall apply within 90 days of establishing legal residence in this state:
(a) insurance producer.

2. By failing to apply for a resident producer license for over one year after establishing legal residency in Midway, Utah, and conducting business in the state, Respondent violated the above statute.

3. Utah Code Ann. § 31A-23a-301 mandates that an insurance organization be licensed as an agency if the insurance organization acts as a producer.

4. Ashton Financial, Respondent's business, failed to obtain an agency license as required. Therefore Respondent violated Section 31A-23a-301.

5. Utah Code Ann. § 31A-23a-412 requires that all licensees shall register with the commissioner the address and telephone numbers of their principle place of business and notify the commission within 30 days of any change of address or telephone number.

6. Respondent failed to comply with Section 31A-23a-412 when he failed to update his principle place of business address and telephone number from the Midway address to the Provo address.

7. Department Rule R590-130-6 requires the form and content of advertisement to be sufficiently clear so as to not be deceptive or misleading to the viewer, listener, or reader.

8. Department Rule R590-130-10 requires that the source of any statistics used in an advertisement be identified.

9. Department Rule R590-154-7(A)(1) states:

An individual licensee and a producer, limited line producer or consultant agency licensee shall not mislead or deceive a person or organization through oral contact or through any letterhead, business cards, advertising, slogan, emblem, or other promotional material used or distributed in Utah by:

(1) failing to disclose that the licensee is an individual insurance licensee or a producer, limited line producer or consultant agency licensee in every oral or written contact. . . .

10. The workshop presentation materials prepared by Respondent and provided to the workshop attendees on August 6, 2009 violated the above Rules of the Department.

11. An administrative forfeiture in the amount of \$3,500.00 and probation for a period 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 Stephen Kent Ashton is assessed an administrative forfeiture of \$3,500.00 to be paid to the Utah Insurance Department within 30 days of issuance of this Order.

2. Respondent is placed on probation for a period of 12 months commencing 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, Department Rules, or any order of the Commissioner.

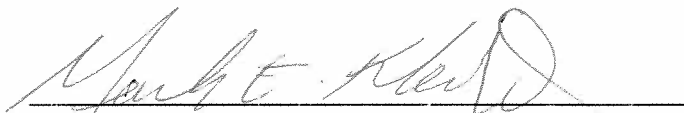
NOTIFICATION

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 10th 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

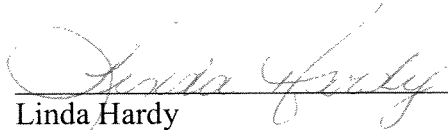
I do hereby certify that on this date I mailed, by regular mail, postage prepaid a true and correct copy of the attached:

STIPULATION & ORDER

To the following:

Stephen Kent Ashton
3585 N. University Avenue # 275
Provo, UT 84604

DATED this 10th day of March 2010



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

UTAH
Invoice - Original

Printed Date: March 10, 2010
Invoice Date: March 10, 2010
Balance Due: \$3,500.00
Due Date: April 14, 2010
Invoice ID: 451581
Payor ID: 42920

ASHTON STEPHEN KENT
3585 N UNIVERSITY AVE 275
PROVO UT 84604

Item Description	Amount
3/10/2010 Monetary Penalty Individual E-Case 2576 Docket 2010-045 LC	\$3,500.00
Original Amount Due	<u>\$3,500.00</u>

UTAH
Invoice - Original

Invoice Date: March 10, 2010
Balance Due: \$3,500.00
Due Date: April 14, 2010
Invoice ID: 451581
Payor ID: 42920
Payor Name: ASHTON, STEPHEN
KENT

Make checks payable to: Utah Insurance Department

Send payment to:

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