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UTAH STATE  
INSURANCE DEPT.

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BEFORE THE INSURANCE COMMISSIONER  
OF THE STATE OF UTAH

**COMPLAINANT:**

UTAH INSURANCE DEPARTMENT

**RESPONDENT:**

RODNEY G. LIVINGSTON  
342 W. International Way  
Alpine, UT 84004  
License No. 296673

LIVINGSTON WEALTH STRATEGIES,  
LLC  
599 South 500 East  
American Fork, UT 84003  
License No. 333442

**STIPULATION AND ORDER**

Docket No. 2010-098 LF

Enf. Case No. 2604

**STIPULATION**

1. Respondent Rodney G. Livingston (ALivingston@) is a licensed individual insurance producer in the State of Utah, holding license No. 296673. Respondent Livingston Wealth Strategies, LLC (AWealth Strategies@) is a licensed insurance agency in the State of Utah, holding License No. 333442.

2. Respondent Rodney G. Livingston is the President and Founder of Livingston Wealth Strategies LLC.

3. Respondents stipulate 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. Respondents admit the Findings of Fact and Conclusions made therefrom;
- c. Respondents stipulate to the summary entry of the Order herein which shall be in lieu of other administrative proceedings by Complainant in this matter; and
- d. Respondents and Complainant have negotiated the terms of the Order entered herein and Respondents agree to its entry and further agree to be bound by all its terms.

4. Respondents are aware of their right to a hearing at which they may be represented by counsel, present evidence and cross-examine witnesses. Respondents have irrevocably waived their right to such hearing and to any appeal related thereto.

5. Respondents admit the jurisdiction of the State of Utah Insurance Commissioner as to all matters herein.

6. Respondents are acting herein free from any duress or coercion of any kind or nature, having been advised fully as to their rights set forth herein.

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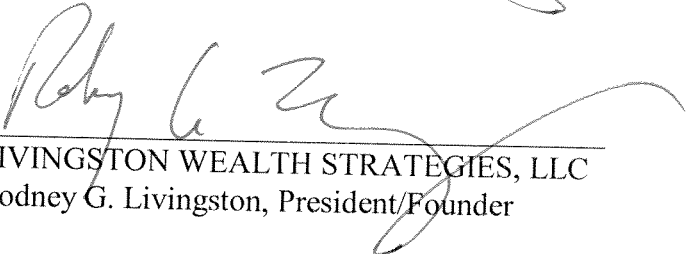
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7. Respondents acknowledge that the issuance of this Order by the Commissioner is solely for purpose of disposition of the matter entitled herein.

DATED this 12<sup>th</sup> day of July, 2010.

  
\_\_\_\_\_  
RODNEY G. LIVINGSTON

  
\_\_\_\_\_  
LIVINGSTON WEALTH STRATEGIES, LLC  
Rodney G. Livingston, President/Founder

  
\_\_\_\_\_  
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 October 1, 2009, advertising received via postal mail from Respondents included a letter from Livingston to prospective clients, and a copy of the booklet AA Guide to Avoiding Common Annuity Mistakes.@
2. Subsequently, Department staff member Connie Nowland determined that Livingston Wealth Strategies LLC was registered with the Division of Corporations on May 12, 2009, but had not been licensed as an agency with the Department of Insurance.
3. Nowland contacted Respondent Livingston and he stated that he was not aware that he needed to license Wealth Strategies as an insurance agency with the Department.
4. Nowland also informed Respondent that his business cards, advertisements, and signage needed to reflect that he was a licensed insurance agent and/or that his company offered insurance products.
5. Respondent Livingston cooperated with the investigation and has corrected his signage and advertising materials.
6. Respondent Wealth Strategies was licensed as an agency by the Department on December 2, 2009.

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-301(1) (West 2009) mandates that an organization obtain an agency license if the insurance organization acts as a producer, limited producer, a consultant, a managing general agent, or a reinsurance intermediary.
2. Based on the above stipulated facts, Respondent Rodney G. Livingston and Livingston Wealth Strategies were in violation of Utah Code Ann ' 31A-23a-301 (West 2009) by operating an insurance organization without an agency license.
3. Utah Insurance Department Rules R590-154-5 states the following:
  - B. A producer, limited line producer or consultant agency licensee shall comply with either of the following:
    1. The agency shall include words such as Ainsurance agency@ or Ainsurance consultant@ or other similar words in the agency=s name.
      - (a) Other similar words such as Ainsurance services@, Ainsurance benefits@, Ainsurance counselors@, or Ainsurance advisors@ may also be used.
      - (b) Ainsurance consulting,@ Ainsurance consultants@ or similar words shall only be used if the agency is licensed as a consultant.
    2. The agency shall state that the licensee is an insurance agency in any letterhead, business cards, advertising, slogan, emblem, or other promotional material used or distributed by the agency in the State of Utah.
4. Based upon the above-stipulated facts, Respondents were in violation of Insurance Department Rule R590-154-5 by not identifying Livingston Wealth Strategies LLC as an insurance agency in advertisements and signage.
5. An administrative forfeiture imposed jointly and severally in the amount of \$1,500.00 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 Rodney G. Livingston and Respondent Livingston Wealth Services LLC are jointly and severally assessed an administrative forfeiture in the amount of \$1,500.00 to be paid to the Utah Insurance Department within 30 days of issuance of this Order.

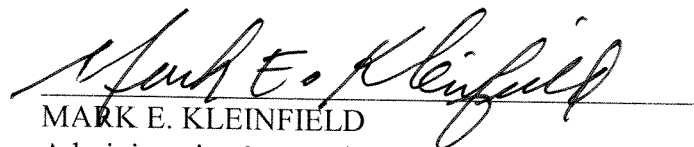
**NOTIFICATION**

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 27<sup>th</sup> day of July, 2010.

NEAL T. GOOCH  
Insurance Commissioner



MARK E. KLEINFELD  
Administrative Law Judge  
Utah Insurance Department  
State Office Building, Room 3110  
Salt Lake City, Utah 84114