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

**COMPLAINANT:**

UTAH INSURANCE DEPARTMENT

**EMERGENCY PROCEEDING  
SUSPENSION OF LICENSE**

**RESPONDENT:**

KEVIN DI STEFANO  
3050 S. 1200 W.  
Heber City, UT 84032  
License No. 45923

**Docket No.** 2010-054 PC

Enf. Case No. 2659

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Pursuant to Utah Code Annotated (U.C.A.) § 63G-4-502 and § 31A-23a-111 and Utah Administrative Code (U.A.C.) Rule R590-160, the Commissioner hereby institutes this Emergency Proceeding immediately suspending the license of the Respondent. Based upon the information contained in the files of the department and known to the Commissioner, the presiding officer enters the following:

**FINDINGS OF FACT**

1. Respondent, Kevin Di Stefano, is a license title and escrow agent in the State of Utah,

holding License No. 45923, and is a co-owner and was during all times pertinent designated on the license of Founders Title Company, a title insurance agency licensed in the State of Utah.

2. During the period of at least January 2007 through February 2010, Respondent, acting in his capacity as a title and escrow agent for Founders Title Company, on at least seven occasions diverted funds to be held in trust that were received as premium payments for title insurance policies to his own benefit in amounts totaling at least \$11,000.00.

3. Respondent is currently seeking employment as a title and escrow agent for other title insurance agencies in the State of Utah.

4. Respondent's actions create an immediate and significant risk of financial loss to the public if allowed to continue as a title and escrow agent, requiring immediate action by the department to protect the public.

Based upon the forgoing Findings of Fact, the presiding officer now enters the following:

#### **CONCLUSIONS OF LAW**

1. In diverting funds held in trust to his own benefit, Respondent Di Stefano violated Utah Code Annotated § 31A-23a-409(6).

2. In failing to forward funds held in trust to the intended payee or deposit them into a trust account by the close of the next business day, Respondent Di Stefano violated Utah Code Annotated §§ 31A-23a-409(1)(d).

3. Respondent Di Stefano's actions demonstrate that he does not meet the character requirements to hold an insurance license under Utah Code Annotated § 31A-23a-107(2), of competent and trustworthy.

4. The actions of Respondent Di Stefano constitute an immediate and significant danger to the welfare of the public, justifying emergency action by the department under Utah Code Annotated § 63G-4-502.

5. Respondent's license is subject to immediate suspension and revocation pursuant to Utah Code Annotated § 31A-23a-111.

Having entered his Findings of Fact and Conclusions of Law, the presiding officer now enters the following:

### **ORDER**

#### **IT IS HEREBY ORDERED:**

1. The Respondent's insurance license is hereby suspended forthwith for a period of 12 months from the date of this Order or until further order of the Commissioner, whichever shall first occur.

2. Respondent shall immediately cease doing any and all title and escrow insurance business in the State of Utah.

3. The department shall commence a formal adjudicative proceeding against the Respondent for the revocation of his license pursuant to the provisions of U.C.A. § 63G-4-101, *et seq.*

### **NOTIFICATION**

Respondent is hereby notified that failure to abide by the terms of this Order may subject him to further penalties, including additional forfeitures of up to \$5,000.00 per violation, 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 may request a hearing regarding this action by filing a written request for a hearing in the offices of the department within 10 days of the date of this Order. A written request for a hearing shall be signed by the person making the request and shall state the basis for the relief requested. If you request a hearing regarding this matter, the department will be represented by M. Gale Lemmon, Assistant Attorney General, State Office Building, Room 3110, Salt Lake City, Utah 84114, Telephone Number (801) 538-3872.

You are further notified that other jurisdictions in which you may be licensed may require that you report this action to them.

DATED this 31<sup>st</sup> day of March, 2010.

D. KENT MICHIE  
INSURANCE COMMISSIONER



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

CERTIFICATE OF MAILING

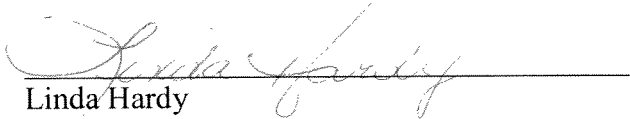
I do hereby certify that on this date, I mailed by regular mail & postage prepaid a true and correct copy of the attached:

EMERGENCY PROCEEDING  
SUSPENSION OF LICENSE

To the following:

Kevin Di Stefano  
3050 South 1200 West  
Heber City, UT 84032

DATED this 31<sup>st</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