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BEFORE THE INSURANCE COMMISSIONER  
OF THE STATE OF UTAH

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**COMPLAINANT:**

UTAH INSURANCE DEPARTMENT

**RESPONDENT:**

TRINITY GROUP RESOURCES, INC.  
999 N. Hillfield Road, Suite B  
Layton, UT 84041  
License No. 334811

**STIPULATION AND ORDER**

Docket No. 2010-113 LC

Enf. Case No. 2690

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**STIPULATION**

1. Respondent, Trinity Group Resources, Inc. is a licensed insurance agency in the state of Utah holding License No. 334811.
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.

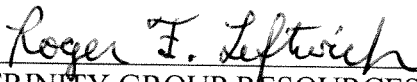
3. Respondent is aware of its right to a hearing at which it may be represented by counsel, present evidence and cross-examine witnesses. Respondent has irrevocably waived its right to such hearing and to any appeal related thereto.

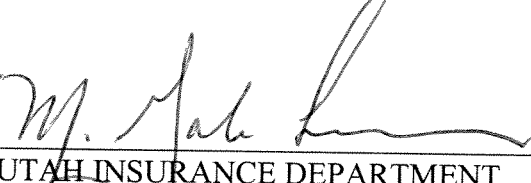
4. Respondent admits the jurisdiction of the State of Utah Insurance Commissioner as to all matters herein.

5. Respondent is acting herein free from any duress or coercion of any kind or nature, having been advised fully as to its 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 2<sup>nd</sup> day of July, 2010.

  
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TRINITY GROUP RESOURCES, Inc.  
By: Roger F. Leftwich, President

  
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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. Respondent, Trinity Group Resources, is a licensed insurance agency holding license No. 269569.

2. On or about February 22, 2010, it was brought to the Department's attention that two Utah consumers had received advertisements via direct mail from a third-party vendor National Reply Center, PO Box 2177, Layton, UT 84041 soliciting "Final Expense" and "Medicare Supplements" business.

3. No disclosure was contained in the mailers providing the true identification of "National Reply Center" nor Respondents own name or the agency name, Trinity Group Resources.

4. A Department investigator mailed a "reply card" to National Reply Center with a request for information. Pursuant to this request, on March 2, 2010, the investigator was contacted by an individual who identified herself as Melissa Moss a producer for Respondent Trinity Group Resources.

5. Trinity Group Resources had not designated Melissa Moss as a producer with the Commissioner.

6. Roger Leftwich, President of Trinity Group Resources had utilized two mailings in which the "National Reply Center" name was used. One mailing of approximately 15,000 to 18,000 pieces to Utah consumers took place in November 2009; a second mailing of approximately 15,000 to 18,000 pieces to Utah consumers took place in February 2010.

Trinity Group Resources was not named in the mailings nor identified as an insurance agency.

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. § 36A-23a-110 (2009) requires a licensee doing business under a name other than the licensee's legal name to notify the Commissioner before using the assumed name in this State.

2. Respondent violated the Section 36A-23a-110 by using the name National Reply Center as an assumed name and failing to notify the Commissioner prior to such use.

3. Utah Code Ann. §36A-23a-401 prohibits any communication to the public that contains false or misleading information, including information that is false because it is incomplete.

4. Respondent violated Section 36A-23a-401 in that the mailers soliciting "Final Expense" and Medicare Supplements" business misled the public and were incomplete in failing to identify Respondent.

5. Respondent violated Department Rule R590-154-5 which prohibits use of any name that is deceptive.

6. Respondent violated Department Rule R590-154-7 which prohibits a licensee from using a name other than the exact name appearing on the agency's license in any promotional materials.

7. Respondent violated Department Rule R590-244-10 by failing to designate Melissa Moss to the Commissioner in a timely manner.

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:**

Respondent Trinity Group Resources is assessed an administrative forfeiture in the amount of \$2,000 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 it 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 13<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  
Telephone: (801) 538-3800