

RECEIVED
DEC 13 2010
UTAH STATE
INSURANCE DEPT.

M. GALE LEMMON #4363
Assistant Attorney General
MARK L. SHURTLEFF #4666
Attorney General
Attorneys for Utah Insurance Department
State Office Building, Room 3110
Salt Lake City, Utah 84114
Telephone: (801) 538-3872

BEFORE THE INSURANCE COMMISSIONER
OF THE STATE OF UTAH

<p>COMPLAINANT:</p> <p>UTAH INSURANCE DEPARTMENT</p> <p>RESPONDENTS:</p> <p>Intermountain Insurance Advisory Group, Inc. P.O. Box 850 Kaysville, UT 84037 License No. 103323</p> <p>Jon D. Christopher P.O. Box 850 Kaysville, UT 84037 License No. 58241</p>	<p>STIPULATION AND ORDER</p> <p>Docket No. 2010-170 LC</p> <p>Enf. Case No. 2735</p>
---	---

STIPULATION

1. Respondent, Intermountain Insurance Advisory Group, Inc. is a licensed resident insurance agency in the State of Utah, License No. 103323. Respondent, Jon D. Christopher is a

licensed resident insurance producer in the State of Utah, License No. 58241, and is the owner and president of Respondent Intermountain Insurance Advisory Group, Inc..

2. 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.

3. 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.


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

5. 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.


6. Respondents acknowledge that the issuance of this Order by the Commissioner is

solely for purpose of disposition of the matter entitled herein.

DATED this 10 day of DECEMBER, 2010.


INTERMOUNTAIN INSURANCE ADVISORY
GROUP, INC.
John D. Christopher, President


JON D. CHRISTOPHER


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 October 7, 2010 a Utah consumer forwarded to the Department material received in the mail from “Senior Insurance Advisors” with a return address of P.O. Box 850, Kaysville, UT 84037. This material advertised “Long Term Care.” The materials contained no disclosure providing the true identity of Senior Insurance Advisors.

2. A search of Department records found that Senior Insurance Advisors was not a licensee in the State of Utah.

3. A Department investigator contacted a United States Postal Service investigator who subsequently identified the P.O. Box 850, in Kaysville, Utah as registered to Respondent Jon D. Christopher and his agency, Intermountain Insurance Advisory Group, Inc., both licensees of the Department.

4. The Department investigator contacted Respondent Christopher who stated that his agency was involved in the mailings on which the name “Senior Insurance Advisors” was used because his agency name was too long for the mail-back card. He admitted that he has used this mailing, and in similar mailing had used “SD Reply Center” on mail-back cards.

5. Respondent Christopher admits to advertising and soliciting to Utah consumers via direct mail with no agency identification, and the reply back cards under the names Senior Insurance Advisors and SD Reply Center.

6. Respondent Christopher stated he never sought feedback from the Department on this

type of advertising, and but instead relied on third party advertising agencies who told him this type of advertising was compliant with state insurance laws.

7. Respondents agree to the recommendation of a \$2,000.00 forfeiture.

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-110 (2) states: “A licensee under this chapter doing business under another name than the licensee’s legal name shall notify the commissioner before using the assumed name in this state.”

2. Utah Code Ann. § 31A-23a-402 (1) (a) (I) states in part: “Any of the following may not make or cause to be made any communication that contains false or misleading information relating to an insurance product or contract, any insurer, or any licensee under this title including information that is false or misleading because it is incomplete.”

3. Utah Admin. Code R590-154-7 (A) states in part:

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: . .

3. using a name other than the exact name appearing on the producer, limited line producer or consultant agency license.

4. Utah Admin. Code R590-154-5 (A) states in part:

A. An insurance producer, limited lines producer or consulting agency licensed

under the laws of this state shall not use any name that is:
(1) misleading or deceptive.

5. Respondents violated Utah Code Ann. § 31A-23a-110 (2) by failing to notify the commissioner before using an assumed name.

6. Respondents violated Utah Code Ann. § 31A-23a-402 (1) (a) (I), Utah Admin. Code R590-154-7 (A) and R590-154-5 (A) by not using the exact name as appearing on their licenses.

7. An administrative forfeiture in the stipulated amount of \$2,000.00 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:

Respondents Intermountain Insurance Advisory Group, Inc. and Jon D. Christopher jointly assessed an administrative forfeiture in the amount of \$2,000.00 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 14 day of December, 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