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DEC 13 2010

UTAH STATE  
INSURANCE DEPT.

BEFORE THE INSURANCE COMMISSIONER  
OF THE STATE OF UTAH

**COMPLAINANT:**

UTAH INSURANCE DEPARTMENT

**RESPONDENT:**

MICHAEL R. ANDERSON  
334 W. Tabernacle, Suite C  
St. George, UT 84770  
License No. 237772

**STIPULATION AND ORDER**

Docket No. 2010-172 LC

Enf. Case No. 2737

**STIPULATION**

1. Respondent, Michael R. Anderson is a licensed resident insurance producer in the State of Utah, holding License No. 237772.
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.

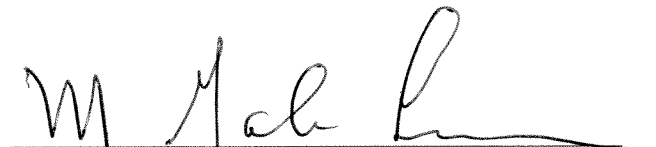
4. Respondent admits the jurisdiction of the State of Utah Insurance Commissioner as to all matters herein.

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<sup>th</sup> day of December, 2010.

  
MICHAEL R. ANDERSON

  
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 September 28, 2010, a Department investigator paid an agency visit to Kristin A. Anderson's Farmers Insurance Office in St. George, Utah. The investigator introduced himself to Michael Anderson, husband of Kristin A. Anderson. During the visit, Respondent explained that Kristin A. Anderson was out of the office and that he was running the day to day operations in her absence.

2. In addition to discovery of the improper trust account which is the subject of enforcement case No. 2736, during the visit, the investigator learned that the Respondent was involved in giving quotes, taking insurance payments, processing endorsements, and writing new policies.

3. The investigator reviewed Respondent's status with the Department and determined that Respondent was not appointed to any of the Farmers Insurance Companies.

4. Respondent stated he made an application for appointment in December 2008, but failed to follow up on whether or not he had been appointed to Farmers Insurance.

5. Respondent admits to acting on behalf of an insurer without an appointment and has agreed to a recommend \$500.00 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-408 states,

**No person may represent himself as acting on behalf of an insurer unless a written agency contract is in effect giving the person the authority from the insurer and the insurer has appointed that person to act on behalf of the insurer.**  
(Emphasis added.)

2. Respondent violated the above Utah statute by conducting business on behalf of the Farmers Insurance without an appointment.

3. An administrative forfeiture of \$500.00 is appropriate under the circumstances of this case.

**ORDER**

1. Respondent Michael R. Anderson is assessed an administrative forfeiture in the amount of \$500.00 to be paid to the Commissioner within thirty (30) days of the issuance of this Order.

DATED this 14 day of December, 2010.

NEAL T. GOOCH  
Insurance Commissioner

  
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MARK E. KLEINFELD  
Administrative Law Judge  
Utah Insurance Department, Room 3110  
Salt Lake City, UT 84114  
Telephone: 801-538-3800

**NOTIFICATION**

You are hereby notified that a failure to obey an Order of the Commissioner may subject

you to further penalties, including forfeitures of up to \$2,500 per violation and the suspension or revocation of your license and the filing of an action in district court, which may impose forfeitures of up to \$10,000 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.