

M. GALE LEMMON #4363
Assistant Attorney General
MARK L. SHURTLEFF #4666
Attorney General
Attorneys for Utah Insurance Department
160 East 300 South, Fifth Floor
P. O. Box 140874
Salt Lake City, Utah 84114-0874
Telephone: (801) 367-0375

RECEIVED
MAR 14 2011
UTAH STATE
INSURANCE DEPT.

BEFORE THE INSURANCE COMMISSIONER
OF THE STATE OF UTAH

COMPLAINANT:

UTAH INSURANCE DEPARTMENT

RESPONDENTS:

CORRIE L. BINGHAM INSURANCE
AGENCY, INC.

License No. 103854

CORRIE L. BINGHAM

License No. 124087

CRISTINA V. FORRESTER

License No. 363408

550 N. Main Street #116
Logan, UT 84321

STIPULATION AND ORDER

Docket No.

Enf. Case Nos. 2773 Agency

2774 Corrie L. Bingham

2775 Cristina V. Forrester

STIPULATION

1. Respondent, Corrie L. Bingham Insurance Agency Inc. ("the Agency") is a corporation organized in the State of Utah and a licensed insurance agency in the State of Utah holding

License No. 103854. Respondent Corrie L. Bingham (“Bingham”), is a licensed insurance agent in the State of Utah holding License No. 124087, and is the president, director and manager of the Agency. Respondent Cristina V. Forrester (“Forrester”), is a licensed insurance agent in the State of Utah holding License No. 363408, and is an employee and designated on the license of the Agency.

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.

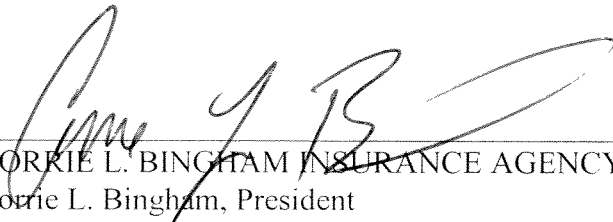
3. Respondents are aware of their right to a hearing at which they may be represented by counsel, present evidence and cross-examine witnesses. Respondents have irrevocably waived their right to such hearing and to any appeal related thereto.

4. Respondents admits 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.

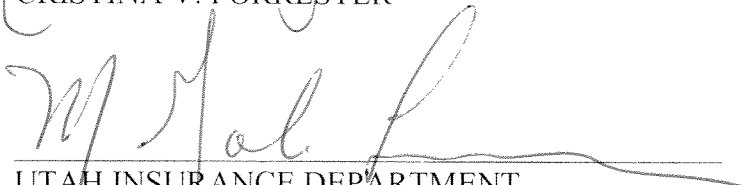
6. Respondents acknowledge that the issuance of this Order by the Commissioner is solely for purpose of disposition of the matter entitled herein.

DATED this 11 day of March, 2011.


CORRIE L. BINGHAM INSURANCE AGENCY INC.
Corrie L. Bingham, President


CORRIE L. BINGHAM


CRISTINA V. FORRESTER


UTAH INSURANCE DEPARTMENT
M. Gale Lemmon
Assistant Attorney General

Based upon the foregoing Stipulation and information in the file, the Presiding Office makes the following Findings of Fact:

FINDINGS OF FACT

1. Respondent Corrie L. Bingham Insurance Agency Inc. (“the Agency”) has been licensed as a resident producer organization since 2004. Respondent Corrie L. Bingham (“Bingham”) has been a licensed individual resident producer since 2000. Respondent Cristina V. Forrester (“Forrester”) has been a licensed individual resident producer since November 2010.

2. On or about December 8, 2010, the Department received an anonymous complaint alleging an individual named Christina, an employee of the Agency, was not licensed to sell insurance but was selling insurance.

3. The complaint was referred to Market Conduct and an investigation was conducted. The initial check of Department records reflected the dates of licensure as stated above in paragraph 1.

3. The Respondent’s cooperated in full with the investigation. On December 22, 2010, Respondent Bingham admitted that Respondent Forrester had been involved in servicing and sales of insurance products at his agency prior to being licensed. On January 11, 2011, Respondent Forrester admitted to the servicing and sale of insurance products prior to being licensed. Forrester was involved in only one or two actual sales of insurance products prior to being licensed.

4. Both Respondents stated that Forrester was closely supervised by Bingham who would “look over her shoulder” then step in to complete the sale. It was in October 2010 when Respondent Bingham took an ethics class that he realized Forrester needed to be licensed immediately. Forrester thereafter passed the exam and was licensed in November.

5. Respondents take full responsibility for not ensuring licensing compliance and agree to the penalty imposed herein.

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-103(1)© states that a person may not utilize the services of another as a producer, limited line producer, customer service representative, consultant managing general agent or reinsurance intermediary if that person knows or should know that the other does not have a license as required by law.

2. Utah Code Ann. § 31A-23a-302 requires that an agency designate an individual that has an individual producer or customer service representative license to act on the agency’s behalf in order for the licensee to do business for the agency in this state.

3. Respondents Corrie L. Bingham Insurance Agency Inc. and Corrie L. Bingham violated the above provisions by allowing Respondent Forrester to conduct business on the agency’s behalf without being licensed and designated.

4. Utah Code Ann. § 31A-23a-103(1)(a) prohibits a person from performing, offering to perform, or advertising any service as a producer or customer service representative in Utah without a valid individual or agency license.

5. Respondent Cristina V. Forrester was in violation of Section 31A-23a-103(1) when she performed services for the agency which required an insurance license.

6. An administrative forfeiture in the amount of \$3,500.00 assessed jointly against Respondents Corrie L. Bingham Insurance Agency Inc. and Corrie L. Bingham is appropriate.

7. An administrative forfeiture of \$750.00 assessed against Respondent Cristina V. Forrester is appropriate.

8. Probation for all Respondents for a period of 12 months is appropriate in this case. Probation should include three hours of ethics continuing education training in addition to the continuing education required for renewal of their licenses.

ORDER

IT IS HEREBY ORDERED:

1. Respondents Corrie L. Bingham Insurance Agency Inc. and Corrie L. Bingham are jointly assessed a forfeiture of \$3,500.00 to be paid to the Utah Department of Insurance within 30 days of issuance of this Order.


2. Respondent Cristina V. Forrester is assessed an administrative forfeiture in the amount of \$750.00 to be paid to the Utah Department of Insurance within 30 days of issuance of this Order.

3. Respondents' insurance licenses are placed on probation for a period of 12 months commencing from the date of this order. The terms of probation are that Respondents Bingham and Forrester attend three hours of ethics continuing education during the term of probation, which shall be in addition to the continuing education required for renewal of their license.

Further, Respondents shall have no further violations of the Utah Insurance Code, Department Rules, or any order of the Commissioner.

DATED this 16th day of March, 2011.

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

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 for individual licensees and of up to \$5,000 per violation for the agency, and the suspension or revocation of your licenses and the filing of an action in district court, which may impose penalties 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.