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

COMPLAINANT:

UTAH INSURANCE DEPARTMENT

RESPONDENTS:

VENSURE HR, INC.
Unlicensed
4140 E. Baseline Rd., Suite 201
Mesa, AZ 85206

**CEASE AND DESIST
ORDER**

Docket No. 2011-038 EX

Enf. Case No. 2793

COMES NOW, Neal T. Gooch, Acting Insurance Commissioner of the State of Utah, and in support of the following states:

JURISDICTION

Neal T. Gooch is the Acting Insurance Commissioner of the State of Utah and is charged with the duty of administering and enforcing all provisions of the Utah Insurance Code, pursuant to Utah Code Annotated, §§ 31A-2-201 and 31A-1-105(2).

Based upon information in the files of the Insurance Department the Commissioner enters the following:

FINDINGS OF FACT

1. Respondent Vensure HR, Inc. (“Vensure”) is an Arizona corporation, incorporated on December 9, 2003, and is not registered with the Utah Division of Corporations.

2. Respondent Vensure is in the business of acting as a professional employer organization (“PEO”), and is not licensed to do business in the State of Utah.

3. Respondent Vensure began doing business in Utah as a payroll services company in 2009. On January 1, 2010, Respondent Vensure converted the payroll clients to PEO clients and began operating as a PEO without being licensed with 17 company clients, 255 full time leased employees and 79 part time leased employees.

4. On or about October 5, 2010, Respondent Vensure submitted to the department an initial license application for a PEO license.

5. Review of the license application disclosed that Respondent Vensure had negative working capital of <\$4,377,518.00>. The department gave Respondent Vensure until November 1, 2010 to correct the deficiency.

6. Respondent’s attorney contacted the department to request additional time to correct the deficiency. The request was granted with the understanding that Respondent Vensure would not operate in the State of Utah until after their license was issued.

7. As of this date, Respondent Vensure has not corrected the deficiency and has continued to operate as a PEO in the State of Utah without being licensed.

8. Respondent Vensure’s continued operation in the State of Utah as an unlicensed PEO and in a hazardous financial condition creates a significant danger to the public welfare.

Having entered his Findings of Fact, the commissioner now enters the following:

CONCLUSIONS OF LAW

1. In acting as a PEO in the State of Utah without being licensed, Respondent Vensure HR, Inc. is violating Utah Code Annotated 31A-40-301.

2. In continuing to act as a PEO in the State of Utah without a license and in hazardous financial condition, Respondent Vensure HR, Inc. has created an immediate and significant danger to the public welfare, justifying an emergency adjudicative proceeding under Utah Code Annotated § 63G-4-502.

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

ORDER

1. Respondent and its officers, directors, members, managers, employees and agents shall immediately Cease and Desist doing any business as a professional employer organization in the State of Utah, including but not limited to: providing any professional employer services, acting as a coemployer, entering into or continuing any coemployment relationship, or holding itself out as being in or engaged in any acts for which a professional employer organization license is required in the State of Utah.

NOTIFICATION

You may request a hearing in this matter by filing a written request for a hearing with the department within 15 days of the date of this Cease and Desist Order. If you request a hearing, the department will be represented by M. Gale Lemmon, Assistant Attorney General, 160 East 300 South, Fifth Floor, P.O. Box 140874, Salt Lake City, Utah 84114-0874, Telephone Number (801) 366-0375. Failure to request a hearing will be considered a failure to exhaust

administrative remedies and will preclude any further administrative or judicial review or appeal of this matter.

Respondents are hereby notified that failure to abide by the terms of this Order may subject them 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.

DATED this 18th day of April, 2011.

NEAL T. GOOCH
INSURANCE COMMISSIONER



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



Insurance Department

State of Utah

GARY R. HERBERT
Governor

GREG BELL
Lieutenant Governor

NEAL T. GOOCH
Commissioner

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:

CEASE & DESIST

Vensure HR, Inc.
4141 Baseline Rd, Suite 201
Meza, Arizona 85206

DATED this 18th day of April, 2011

Linda Hardy
Utah Department of Insurance
State Office Building, Room 3110
Salt Lake City, UT 84114-6901