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UTAH STATE
INSURANCE DEPT.

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BEFORE THE INSURANCE COMMISSIONER
OF THE STATE OF UTAH

<p>COMPLAINANT:</p> <p>UTAH INSURANCE DEPARTMENT</p> <p>RESPONDENT:</p> <p>ROCHELLE ROBERTS 2120 WEST 12600 SOUTH RIVERTON, UT 84065 License: 194105</p>	<p>STIPULATION AND ORDER</p> <p>Docket No. 2011-079 PC</p> <p>Enf. Case No. 2796</p>
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STIPULATION

1. Respondent, Rochelle Roberts is a licensed insurance agent in the State of Utah holding license No. 194105..

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 her right to a hearing at which she may be represented by counsel, present evidence and cross-examine witnesses. Respondent has irrevocably waived her 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 her 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 10TH day of MAY, 2011.



ROCHELLE ROBERTS



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 June 11, 2010, an insured's grandson phoned the Respondent, Rochelle Roberts, to ask the status of his grandmother's automobile policy. Respondent informed him that the policy had lapsed for failure to pay the premium which was due in April. Respondent nevertheless took a credit card payment and backdated the payment to June 8 2010. A claim was then filed for June 10, 2010.

2. On June 14, 2010 the Respondent informed the agency owner what she had done. The agency owner and Respondent phoned the claims department and told them not to process the claim.

3. On August 30, 2010, the department received a letter from State Farm Insurance Company wherein they terminated Respondent's appointment with the Company.

4. On January 13, 2011, the agency owner told a department investigator that she is keeping Respondent as an employee and that the insurer will allow Respondent to reapply for appointment after one year. The agency owner stated that Respondent is a good employee and gave in to pressure from a customer only one time, and notified her employer immediately.

5. Respondent has agreed to an administrative forfeiture of \$500.00 and two years probation with half the forfeiture stayed pending successful completion of probation.

Based upon the foregoing Stipulation and Findings of Fact, the Presiding Officer enters the following Conclusions of Law:

CONCLUSIONS OF LAW

1. By backdating a premium payment in order to allow an insured to reinstate a policy to cover an accident that had already occurred, Respondent violated Utah Code Ann. § 31A-23a-402(12)(a)(I).

2. An administrative forfeiture in the amount of \$500 and probation for a period of two years is appropriate under the circumstances. A stay of \$250 pending successful completion of probation is also appropriate.

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:

1. Respondent Rochelle Roberts is hereby assessed an administrative forfeiture in the amount of \$500.00. The sum of \$250.00 is stayed pending the successful completion of probation imposed below. The balance of the forfeiture in the amount of \$250.00 shall be paid to the Utah Department of Insurance within 30 days of the issuance of this Order.

2. Respondent's license is placed on probation for a period of two years beginning on the date of the issuance of this order. The terms of probation are that Respondent shall have no further violations of the Insurance Code, Department Rules, or any order of the Commissioner.

NOTIFICATION

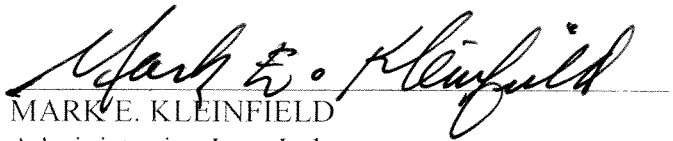
You are hereby notified that a failure to obey an Order of the Commissioner may subject

you to further penalties, including forfeiture 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.

DATED this 17th day of MAY, 2011.

NEAL T. GOOCH
Insurance Commissioner



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