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JUL 11 2011

UTAH STATE
INSURANCE DEPT.

BEFORE THE INSURANCE COMMISSIONER
OF THE STATE OF UTAH

COMPLAINANT:

UTAH INSURANCE DEPARTMENT

RESPONDENT:

CELIA G. ORTIZ
c/o Dynamic Insurance Agency
547 W. Columbia Lane
Provo, UT 84604
License No. 364502

STIPULATION AND ORDER

Docket No. 2011-124 LC

Enf. Case No. 2878

STIPULATION

1. Respondent, Celia G. Ortiz is a resident producer in the State of Utah holding license number 364502.
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.

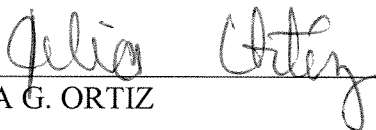
3. Respondent is aware of her right to a hearing at which she may be represented by counsel, present evidence and cross-examine witnesses. Respondent has irrevocably waived her right to such hearing and to any appeal related thereto.

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

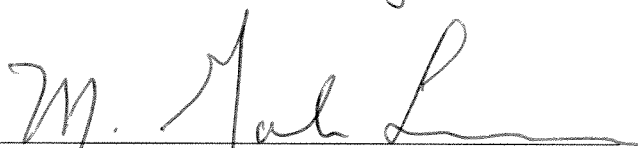
5. Respondent is acting herein free from any duress or coercion of any kind or nature, having been advised fully as to her rights set forth herein.

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 07 day of JULY, 2011.



CELIA G. ORTIZ



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 March 3, 2010 two Department investigators visited Dynamic Insurance Agency in Provo, Utah.

2. They were greeted by Respondent who was asked if she could sell an insurance policy. She stated that she could.

3. The Department investigators then learned that Respondent was not a licensed producer or a licensed customer service representative. Respondent was the only employee in the office and stated that Mr. Mora, the agency owner, was working from his office in Arizona.

4. A request for an explanation of how the agency was operated was made to the agency's owner. On March 9, 2010, the owner, Mr. Mora, clarified that both his Salt Lake and Provo, Utah offices were operating without licensed producers some of the time. He identified Respondent Celia G. Ortiz as a non-licensed producer who was operating one of the Utah offices while he was out of town.

5. Subsequently, on November 17, 2010, Respondent passed the Utah insurance exam and became licensed to sell insurance November 29, 2010.

6. Respondent took responsibility for her actions and has agreed to an administrative forfeiture of \$750.00.

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 addresses requirement of license.

(1) (a) Unless exempted from the licensing requirement under Section **31A-23a-201** or **31A-23a-207**, **a person may not perform, offer to perform, or advertise any service as a producer, limited line producer, customer service representative, consultant, managing general agent, or reinsurance intermediary in Utah, without a valid individual or agency license** issued under this chapter.

(b) A valid license includes at least one license type and one line of authority pertaining to that license type.

(c) **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.**

(Emphasis added.)

3. Respondent violated the above provision when she acted in the capacity of customer service representative and/or producer without being licensed.

4. An administrative forfeiture in the amount of \$750.00 is appropriate in this matter.

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:

Respondent Celia G. Ortiz is hereby assessed an administrative forfeiture in the amount

of \$750.00 to be paid to the Department within 30 days from the date of this Order.

DATED this ~~07~~^{13th} day of JULY, 2011.

NEAL T. GOOCH
Insurance Commissioner



Administrative Law Judge
Utah Insurance Department
State Office Building Room 3110
Salt Lake City, UT 84114
Telephone 801-538-3800

NOTIFICATION

You are hereby notified that a failure to obey an Order of 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.