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JUL 18 2011

UTAH STATE
 INSURANCE DEPT.

BEFORE THE INSURANCE COMMISSIONER
 OF THE STATE OF UTAH

STIPULATION

1. Respondent, Sydnee Foulger, is a licensed Customer Service Representative in the State of Utah holding license number 372293.
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.

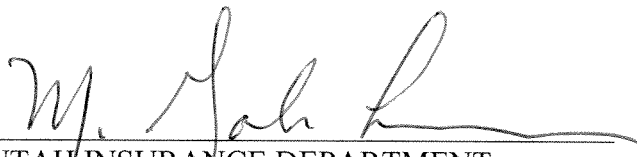
5. Respondent is acting herein free from any duress or coercion of any kind or nature, having been advised fully as to her rights set forth herein.

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 14 day of July, 2011.



SYDNEE FOULGER



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 October 28, 2010, a public inquiry was received by the Department alleging that Heiners Insurance Center had unlicensed employees acting in the capacity of customer service representatives.

2. On or about November 1, 2010 an email was sent to Heiners Insurance Center stating that an audit was being conducted.

3. On March 3, 2011, Department personnel met with Heiners Insurance Center's officers regarding their employees and their job duties. It was confirmed at the meeting that Respondent was not licensed, but was acting as a customer service representative and was performing various agency functions such as receipt of premiums, quoting, and servicing agency clients.

4. Respondent's employers stated that they were unaware of the requirement to have a CSR license for their customer service staff.

5. Respondent thereafter took immediate steps to obtain the proper license.

6. Respondent agrees to an administrative forfeiture in the amount of \$1,500.00 and probation for a period of one year.

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.**

2. Respondent violated the above provision when she acted in the capacity of customer service representative without being licensed by the Department.

3. An administrative forfeiture in the amount of \$1,500.00 and probation for a period of one year 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:

1. Respondent Sydnee Foulger is assessed an administrative forfeiture in the amount of \$1,500.00 to be paid to the Department within 30 days of the issuance of this Order.

2. Respondent's license is placed on probation for a period of one year commencing with the date of this Order. The terms of probation are that Respondent shall timely pay the forfeiture assessed herein and shall have no further violations of the Utah Insurance Code,

Department Rules of any order of the Commissioner.

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.

DATED this 20 day of JULY, 2011.

NEAL T. GOOCH
Insurance Commissioner


Administrative Law Judge
Utah Insurance Department
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Salt Lake City, UT 84114
Telephone 801-538-3800