

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, UT 84114-0874  
Telephone: 801.366.0375

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UTAH STATE  
INSURANCE DEPT.

BEFORE THE INSURANCE COMMISSIONER  
OF THE STATE OF UTAH

**COMPLAINANT:**

UTAH INSURANCE DEPARTMENT

**RESPONDENT:**

DELTA FINANCIAL INSURANCE  
BROKERAGE CORPORATION  
579 Main Street  
Bolton, MA 01740  
License No. 378178

**STIPULATION AND ORDER**

Docket No. 2011-121 LC

Enf. Case No. 2895

**STIPULATION**

1. Respondent, Delta Financial Insurance Brokerage Corporation is a non-resident agency doing business in the State of Utah holding license number 378178.

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 its right to a hearing at which it may be represented by counsel, present evidence and cross-examine witnesses. Respondent has irrevocably waived its right to such hearing and to any appeal related thereto.

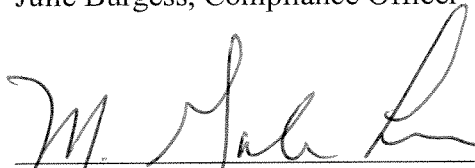
4. Respondent admits the jurisdiction of the State of Utah Insurance Commissioner as to all matters herein.

5. Respondent is acting herein free from any duress or coercion of any kind or nature, having been advised fully as to its 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 27<sup>th</sup> day of June, 2011.

  
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DELTA FINANCIAL INSURANCE  
BROKERAGE CORPORATION  
Julie Burgess, Compliance Officer

  
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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 April 4, 2011, the Producer Licensing Division discovered that the Respondent failed to report an administrative action taken against it in 2005 in the State of Georgia.

2. The central issue of the Georgia order was that the business owner, partner, officer or director had been involved in an administrative proceeding. Subsequent to submitting the application and prior to the issuance of the order, the owner relinquished ownership and an amendment to the application was submitted to the Georgia Department of Insurance detailing the change of ownership.

3. Respondent failed to disclose the above Georgia administrative action on its application for a Utah non-resident insurance license.

4. Upon contact by the Division, the Respondent's compliance officer took full responsibility for the actions and stated that the person applying for the Utah license was unaware of the Georgia administrative action.

5. Respondent agrees to an administrative forfeiture in the amount of \$500.00.

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-2-202 states in part:

(4)(a) A person listed in Subsection (4)(b) shall reply promptly in writing or other designated form to a reasonable written inquiry

from the commissioner.

2. Utah Code Ann. § 31A-23a-105 states the requirements for individual and agency license issuance and renewal. The section requires that a licensed agency producer shall report to the commissioner an administrative action, within 30 days of the final disposition of the administrative action.

3. Respondent violated the above provisions when it did not report the Georgia administrative action on its Utah license application.

4. An administrative forfeiture in the amount of \$500.00 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 Delta Financial Insurance Brokerage Corporation is assessed an administrative forfeiture in the amount of \$500.00 to be paid to the Department within 30 days of the issuance of this Order.

DATED this 13<sup>th</sup> day of July, 2011.

NEAL T. GOOCH  
Insurance Commissioner



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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 forfeiture of up to \$5,000 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.