

M. GALE LEMMON #4363 *BMC*
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

RECEIVED
SEP 15 2011
UTAH STATE
INSURANCE DEPT.

BEFORE THE INSURANCE COMMISSIONER
OF THE STATE OF UTAH

COMPLAINANT:

UTAH INSURANCE DEPARTMENT

RESPONDENT:

NOLAN TAYLOR
2564 Oak Forest Dr.
Layton, UT 84040
License No. 109934

STIPULATION AND ORDER

Docket No. 2011-205 LC

Enf. Case No. 2958

STIPULATION

1. Respondent, Nolan Taylor is a resident producer and resident insurance consultant in the State of Utah, holding license number 109934.

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.

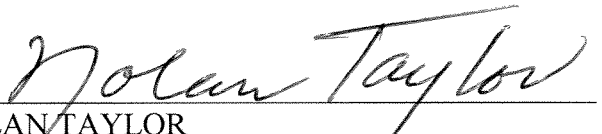
3. Respondent is aware of his right to a hearing at which he may be represented by counsel, present evidence and cross-examine witnesses. Respondent has irrevocably waived his right to such hearing and to any appeal related thereto.

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

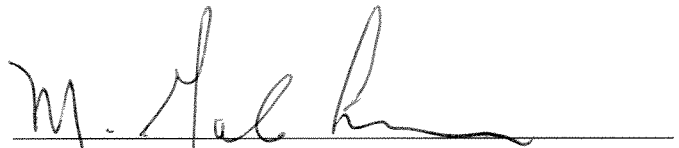
5. Respondent is acting herein free from any duress or coercion of any kind or nature, having been advised fully as to his rights set forth herein.

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 September, 2011.



NOLAN TAYLOR



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 June 21, 2011, the Department learned that the Respondent had been using the business name “Choice Consulting” which was not licensed as an agency with the Utah Insurance Department.

2. Respondent was advised on June 22, 2011, that using an unlicensed agency was a violation of Utah statute. He was also advised that the name “Choice Consulting” would be misleading and deceptive because he was not a consultant. Respondent stated that he did not want to change the name of his agency. Respondent was then advised that he and the agency would need each to be licensed as an insurance consultant to be able to continue using the name “Choice Consulting.”

3. On June 25, 2011, Respondent passed the Life & Accident/Health insurance consultant exam. On June 27, 2011, Respondent applied for the insurance consultant license. The license was issued on June 28, 2011.

3. On June 29, 2011, Respondent was advised that he still needed to license his agency. On that date, Respondent applied for a resident producer organization license and resident consultant license for his agency. Both licenses were issued on July 7, 2011.

4. Respondent was very cooperative during the investigation and took immediate steps to resolve the violations.

5. Respondent has agreed to an administrative forfeiture in the amount of \$1,000.

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-301 requires that an “insurance organization shall be licensed as an agency if the insurance organization acts as: (3) a consultant”

2. Utah Code Ann. § 31A-23a-103 (1)(a), prohibits a person from performing, offering to perform or advertising any services as a consultant without a valid license issued by the Department.

3. Respondent violated the above sections of the Utah Insurance Code by holding himself out as a consultant and using an organization name indicating it was a consultant prior to either himself or the organization being licensed as consultants by the Utah Insurance Department.

3. An administrative forfeiture in the amount of \$1,000.00 is appropriate under the circumstances of this case.

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 Nolan Taylor is hereby assessed an administrative forfeiture in the amount of \$1000.00 to be paid to the Department within 30 days from the date of this Order.

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 _____ day of **SEP 20 2011**, 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

CERTIFICATE OF MAILING

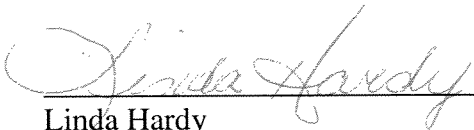
I do hereby certify that on this date I mailed, by regular mail, postage prepaid a true and correct copy of the attached:

STIPULATION
&
ORDER

To the following:

Nolan Taylor
2564 Oak Forest Dr.
Layton, UT 84040

DATED this 22nd day September, 2011.



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

**UTAH
Invoice**

Printed Date: September 22, 2011

Invoice Date: September 22, 2011
Balance Due: \$1,000.00
Due Date: October 22, 2011
Invoice ID: 530459

TAYLOR NOLAN
2564 OAK FOREST DR
LAYTON UT 84040

Item Description	Amount
Monetary Penalty Individual	\$1,000.00
Original Amount Due	<u>\$1,000.00</u>
Payments Received	
	Balance Due

**UTAH
Invoice**

Printed Date: September 22, 2011

Invoice Date: September 22, 2011
Balance Due: \$1,000.00
Due Date: October 22, 2011
Invoice ID: 530459

Make checks payable to: Utah Insurance Department

Send payment to:

Utah Insurance Department
3110 State Office Building
Salt Lake City, UT 84114-6901