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BEFORE THE INSURANCE COMMISSIONER
OF THE STATE OF UTAH

COMPLAINANT:

UTAH INSURANCE DEPARTMENT

RESPONDENT:

STACY MOULTON
32 West 200 South, Suite 1
Heber City, UT 84032
License No. 382623

STIPULATION AND ORDER

Docket No. 2011-215 PC

Enf. Case No. 2962

STIPULATION

1. Respondent, Stacy Moulton is a resident Consumer Service Representative in the State of Utah holding license number 382623.
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.

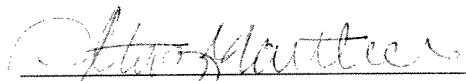
3. Respondent is aware of her right to a hearing at which she may be represented by counsel, present evidence and cross-examine witnesses. Respondent has irrevocably waived her right to such hearing and to any appeal related thereto.

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

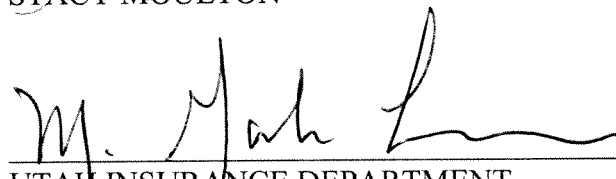
5. Respondent is acting herein free from any duress or coercion of any kind or nature, having been advised fully as to her rights set forth herein.

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 28 day of Sept, 2011.



STACY MOULTON



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 29, 2011, a department investigator made an unannounced visit to Valley Insurance and Financial Services, LLC (“Valley Insurance”). The investigator met briefly with Respondent Stacy Moulton who identified herself as a Consumer Service Representative (“CSR”) for the agency. The investigator also obtained Ms. Moulton’s business card which identified her as a “Customer Service Representative” for Valley Insurance.

2. The investigator asked Ms. Moulton if she could give him an insurance quote and she replied, “yes.” The investigator then identified himself and Moulton told him that the owner David Webb was out of the office. When asked what other insurance duties she performed, Ms. Moulton stated that she took calls, verified coverages, received payments and processed endorsements.

3. Department records indicate that Stacy Moulton applied for a Customer Service Representative license on June 29, 2011, the same day as the investigator’s visit to Valley Insurance’s offices.

4. On June 30, 2011, the investigator emailed and later conversed via telephone with the agency owner David Webb. Webb admitted that Moulton did make entries into the agency quoting system, took insurance premium payments, and verified coverages. He also stated that he was aware that Moulton was not properly licensed by the Department.

5. Per the investigator’s request, both Webb and Moulton provided written statements dated June 30, 2011, which supported that fact that Moulton was performing the duties of an

insurance Customer Service Representative without a proper license.

6. The agency's owner and Respondent Moulton thereafter took immediate steps to obtain the proper license from the Department. Respondent Stacy Moulton has agreed to an administrative forfeiture in the amount of \$1,500 with one half of that amount stayed pending successful completion of 12 months probation.

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 states (emphasis added):

(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 by performing the duties of and holding herself out to the public as a Customer Service Representative without a properly issued CSR license.

3. An administrative forfeiture in the amount of \$1,500 and probation for a period of 12 months is appropriate in this matter. One half of the forfeiture, or \$750, to be stayed pending

successful completion of probation.

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 Stacy Moulton is assessed an administrative forfeiture in the amount of \$1,500. The amount of \$750 is stayed pending successful completion of the probation imposed herein. The remainder of the forfeiture, in the amount of \$750.00 shall be paid to the Department within 30 days of the date of this Order.

2. Respondent's license is placed on probation for a period of 12 months commencing with the date of this Order. The terms of probation are that Respondent shall pay the forfeiture assessed herein in a timely manner and shall have no further violations of the Insurance Code, Department Rules, or any Order of the Commissioner.

DATED this _____ day of OCT 13 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 the 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.