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SEP 29 2011

STATE
INSURANCE DEPT.

BEFORE THE INSURANCE COMMISSIONER
OF THE STATE OF UTAH

COMPLAINANT:

UTAH INSURANCE DEPARTMENT

RESPONDENT:

Tory J. Wilcox
9140 South State, Suite 202
Sandy, UT 84070
License No. 210421

STIPULATION AND ORDER

Docket No. 2011-210 LC

Enf. Case No. 2966

STIPULATION

1. Respondent Tory J. Wilcox is a licensed resident insurance producer in the State of Utah, holding License No. 210421.

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

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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.

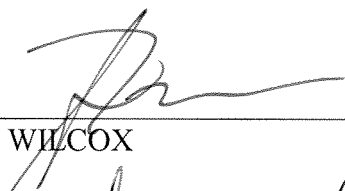
4. Respondent is aware of his right to a hearing at which he may be represented by counsel, present evidence and cross-examine witnesses. Respondent has irrevocably waived his right to such hearing and to any appeal related thereto.

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


6. 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.

7. 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 day of Sept ~~2010~~ 2011 .



TORY J. WILCOX



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. Farmers Insurance conducted an audit of Respondent's agency in July 2008, where it was discovered that the Respondent had forged the signatures of clients on life insurance applications.

2. On May 19, 2011 the market conduct examiner received a signed statement from Respondent accepting responsibility for forging "about 8 applications."

3. On May 31, 2011, Respondent estimated that he received about \$336 in commissions gained from the forged applications.

4. Respondent takes full responsibility for his actions in this matter and agrees to the Department's recommendation of an administrative forfeiture of \$4000, an additional forfeiture of \$672.30 which represents twice the amount of commissions earned, 24 months probation, and an additional 3 hours of Ethics CE to be completed within 12 months of the Order.

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-402(1)(a)(i) provides the following:

(1)(a)(i) Any of the following may not make or cause to be made any communication that contains false or misleading information, relating to an insurance product or contract, any insurer, or any licensee under this title, including information that is false or misleading because it is incomplete:

2. By providing false signatures on applications for insurance, the Respondent Tory J. Wilcox violated the above statutory provision.

4. Administrative forfeitures in the amount of \$4,000 plus twice the commissions received or \$672.30 and probation for a term of 24 months to include mandatory completion of 3 hours of Ethics CE within 12 months is appropriate under the circumstances.

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 Tory J. Wilcox is assessed an administrative forfeiture in the amount of \$4,000 plus an additional forfeiture of \$672.30 representing twice the amount of commissions received. Said forfeitures shall be paid to the Utah Insurance Department within 30 days of issuance of this Order.

2. Respondent's license is placed on probation for a term of 24 months beginning from the date of this Order. The terms of probation are:

- a. Respondent shall pay the forfeiture assessed herein in a timely manner;
- b. Respondent shall complete an additional 3 hours of continuing education in Ethics within 12 months of the date of this Order, in addition to the continuing education required for the renewal of his license; and
- c. Respondent shall have no further violations of the Utah Insurance Code or

Rules or of any Order of the Commissioner.

NOTIFICATION

Respondent is hereby notified that failure to abide by the terms of this Order may subject you to further penalties, including additional forfeitures of up to \$2,500.00 per violation and the suspension or revocation of your license, and the filing of an action to enforce this Order in the District Court, which may impose penalties of up to \$10,000.00 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 29th day of September, 2011.

NEAL T. GOOCH
Acting Insurance Commissioner



MARK E. KLEINFELD
Administrative Law Judge
Utah Insurance Department
State Office Building, Room 3110
Salt Lake City, Utah 84114
Telephone: (801) 538-3800