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UTAH STATE  
INSURANCE DEPT

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BEFORE THE INSURANCE COMMISSIONER  
OF THE STATE OF UTAH

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**COMPLAINANT:**

UTAH INSURANCE DEPARTMENT

**RESPONDENTS:**

PRICE BAIL BONDING  
License No. 97874

BERT J. CHRISTENSON  
License No. 109166



**STIPULATION AND ORDER**

Docket No. 2011-247 BB

Enf. Case No. 2978

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**STIPULATION**

1. Respondent Price Bail Bonding is a licensed bail bond surety company in the State of Utah, holding License No. 97874. Respondent Bert J. Christenson is a bail bond producer in the State of Utah, holding License No. 109166, and is the owner and President of Price Bail Bonding.

2. Respondents stipulate 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;

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b. Respondents admit the Findings of Fact and Conclusions made therefrom;  
c. Respondents stipulate to the summary entry of the Order herein which shall be in lieu of other administrative proceedings by Complainant in this matter; and

d. Respondents and Complainant have negotiated the terms of the Order entered herein and Respondents agree to its entry and further agree to be bound by all its terms.

3. Respondents are aware of their right to a hearing at which they may be represented by counsel, present evidence and cross-examine witnesses. Respondents have irrevocably waived their right to such hearing and to any appeal related thereto.



4. Respondents admit the jurisdiction of the State of Utah Insurance Commissioner as to all matters herein.

5. Respondents are acting herein free from any duress or coercion of any kind or nature, having been advised fully as to their rights set forth herein.

6. Respondents acknowledges that the issuance of this Order by the Commissioner is solely for purpose of disposition of the matter entitled herein.

DATED this 18 day of oct, 2011.

  
PRICE BAIL BONDING  
Bert J. Christensen, Owner

  
BERT J. CHRISTENSON  
  
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 July 20, 2011, a Market Conduct examiner conducted an audit of Respondent, Price Bail Bonding. During the audit, it was discovered that Respondents were not properly handling the collateral monies received to secure the bail bonds. Respondent Agency had a separate account entitled “special account” to receive the collateral money, but the account was not established nor entitled as a trust account.

2. Respondent Christenson was not properly documenting or reconciling the special account, and the agency did not have a general ledger which could facilitate an audit. The agency kept track of collateral money through the bonding paperwork in individual bonding files. The agency reconciled the account monthly to the bank statement, but did not reconcile the account to the documentation on the bonding paperwork. Collateral monies were, on occasion held in the office of the Respondents and not deposited into the special account for up to 30 days.

3. The audit also revealed that Respondents were using outdated forms and altering the Utah Disclosure Form. The forms used by Respondents were not updated to reflect the 10% minimum or other rule changes. Agents were altering the Utah Disclosure Form by adding trip charges.

4. Respondent Christenson’s license lapsed on May 31, 2011, and was not reinstated until July 14, 2011. Following the reinstatement of his license, Respondent Christensen acted as an agent for Respondent Price Bail Bonding without being appointed, which continued until August 15, 2011, when he was designated on the license of Price Bail Bonding.

5. Since the audit, Respondents have properly established a trust account and implemented a trust account ledger, associated Christenson with the agency, and ceased writing in travel charges on the Disclosure Forms.

6. Respondents agree to a joint administrative forfeiture in the amount of \$5,000.

Based upon the foregoing Stipulation and Findings of Fact, the Presiding Officer enters the following Conclusions of Law:

**CONCLUSIONS OF LAW**

1. In failing to have a properly established and titled trust account, Respondents violated Utah Code Ann. Utah Admin. Code Rule R590-170-4.

2. In failing to deposit funds held in trust into a trust account by the close of the next business day, Respondents violated Utah Code Ann. § 31A-23a-409(1)(d).

3. In failing to properly reconcile the account where trust funds were held, and to maintain records of trust funds in a manner that would facilitate an audit, Respondents violated Utah Admin. Code Rule R590-170-7.

4. In using outdated forms and in altering the Utah Disclosure Form, Respondents violated Utah Code Ann. § 31A-35-607 and Utah Admin. Code Rule R590-196-6.

5. In acting as a bail bond producer without being designate on the license of Respondent Price Bail Bonding, Respondent Christenson violated Utah Code Ann. § 31A-35-402.

6. An administrative forfeiture assessed against the Respondents jointly and severally in the amount of \$5,000 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. Respondents Price Bail Bonding and Bert J Christenson are jointly and severally assessed a administrative forfeiture in the amount of \$5,000.00 to be paid to the Utah Department of Insurance within 30 days of the issuance of this Order.

DATED this 14<sup>th</sup> day of November, 2010.

NEAL T. GOOCH  
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

**NOTIFICATION**

Respondents are hereby notified that failure to abide by the terms of this Order may subject you to further penalties, including additional forfeitures of up to \$5,000 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 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.