

M. GALE LEMMON #4363 *JMC.*
Assistant Attorney General
MARK L. SHURTLEFF #4666
Attorney General
Attorneys for Utah Insurance Department
160 East 300 South, Fifth Floor
PO Box 140874
Salt Lake City, Utah 84114
Telephone: (801) 366-0375

BEFORE THE INSURANCE COMMISSIONER
OF THE STATE OF UTAH

COMPLAINANT:

UTAH INSURANCE DEPARTMENT

RESPONDENT:

FIRST WEST BENEFIT SOLUTIONS
1139 S. Orem Blvd.
Orem, UT 84058
License # 3749

STIPULATION AND ORDER

Docket No. 2011-226 LC

Enf. Case No. 3000

STIPULATION

1. Respondent, First West Benefit Solutions, is licensed resident insurance agency holding License # 3749.
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.

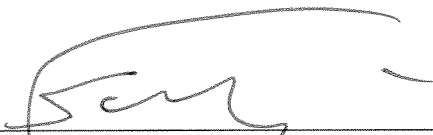
3. Respondent is aware of its right to a hearing at which it may be represented by counsel, present evidence and cross-examine witnesses. Respondent has irrevocably waived its right to such hearing and to any appeal related thereto.

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 14 day of October, 2011.



FIRST WEST BENEFIT SOLUTIONS
S. David Jackson, President



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 August 30, 2011, a market conduct examiner of the Utah Insurance Department met with Respondent's President, S. David Jackson. During the meeting, it came to light that the Respondent First West Benefit Solutions had been conducting business as a Consulting Organization without holding a Consultant Organization license.
2. Mr. Jackson was advised at that time that the Respondent was out of compliance because while individuals in the firm were licensed as individual consultants, the firm was also required to hold a consultant's license.
3. Mr. Jackson stated he was unaware that such a license was required. He applied for the Consultant Organization license the next day, August 31, 2011.
4. The Department issued the license to Respondent, effective September 6, 2011.
5. Respondent agrees to an administrative forfeiture in the amount of \$3,000.

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-103(1)(a) states:
 - (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

2. Respondent violated the above provision by conducting business as a consultant organization without a Consultant Organization license.

3. An administrative forfeiture in the amount of \$3,000 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 First West Benefit Solutions is assessed an administrative forfeiture in the amount of \$3,000.00 to be paid to the Utah Insurance Department within 30 days of issuance of this Order.

DATED this 21st day of October, 2011.

NEAL T. GOOCH
Insurance Commissioner



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

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 \$5,000.00 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