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BEFORE THE INSURANCE COMMISSIONER
OF THE STATE OF UTAH

COMPLAINANT:

UTAH INSURANCE DEPARTMENT

RESPONDENTS:

DAVID A. RICH
License No. 78643

CASUREE J. ROBERTS
Licensee No. 388348

c/o Farm Bureau Financial Services
175 N. State Street
P. O. Box 459
Morgan, UT 84050

STIPULATION AND ORDER

Docket No. 2011-250 PC

Enf. Case No. 3022

STIPULATION

1. Respondent, David A. Rich is a resident insurance producer in the State of Utah holding license number 78643. Respondent Casuree J. Roberts is an employee of Respondent

Rich and is a licensed customer service representative in the State of Utah holding license number 388348.

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;
- 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 agrees 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 acknowledge that the issuance of this Order by the Commissioner is

solely for purpose of disposition of the matter entitled herein.

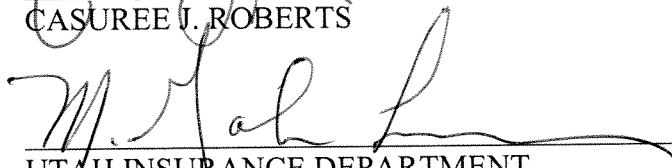
DATED this 1ST day of NOVEMBER, 2011.



DAVID A. RICH



CASUREE J. ROBERTS



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 September 7, 2011, a Department examiner made an agency visit to Respondent David A. Rich's office. Rich, the agency owner, was there along with his employee Respondent Casuree J. Roberts. It was determined that Roberts was providing quotes and assisting customers without being licensed as a customer service representative.

2. Rich acknowledged that he occasionally had Roberts conduct insurance activities while he was out of the office. He stated he knew that Roberts could not help with filling out applications for insurance without an agent's license but was unaware she could not assist in providing basic information to the public unless licensed as a customer service representative.

3. Respondent Rich accepted responsibility and took immediate remedial action making sure that Roberts was properly licensed.

4. Respondent Rich agrees to an administrative forfeiture of \$3,000; Respondent Roberts agrees to an administrative forfeiture of \$750.

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 addresses the requirement of a license as follows:

(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) This part may not be construed to require an insurer to obtain an insurance producer license.

(3) An insurance contract is not invalid as a result of a violation of this section.

2. Utah Code Ann. §31A-231-302 states, in part, the following:

(1) An agency shall designate an individual that has an individual producer, limited line producer, customer service representative, consultant, managing general agent, or reinsurance intermediary license to act on the agency's behalf in order for the licensee to do business for the agency in this state.

(2) An agency shall report to the commissioner, at intervals and in the form the commissioner establishes by rule:

(a) a new designation; and

(b) a terminated designation.

3. Respondents' actions violated the above provisions.

4. An administrative forfeiture in the amount of \$3,000 to be assessed against

Respondent Rich is appropriate. An administrative forfeiture in the amount of \$750 to be assessed against Respondent Roberts is appropriate.

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 David A. Rich is assessed an administrative forfeiture in the amount of \$3,000.00 to be paid to the Department within 30 days of issuance of this Order.

2. Respondent Casuree J. Roberts is assessed an administrative forfeiture in the amount of \$750.00 to be paid to the Department within 30 days of issuance of this Order.

DATED this 14th day of November, 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 Commissioner may subject you to further penalties, including forfeitures of up to \$2,500.00 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.