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**BEFORE THE INSURANCE COMMISSIONER
 OF THE STATE OF UTAH**

COMPLAINANT:

UTAH INSURANCE DEPARTMENT

RESPONDENT:

GUY W. BOTTOM
 1069 East 100 North
 American Fork, UT 84003
 License No. 79820

**STIPULATION
 &
 ORDER**

Docket No. 2012-025-LF

Enf. Case No. 3053

STIPULATION

1. Respondent, Guy W. Bottom, is a licensed insurance agent in the State of Utah, holding License No. 79820.
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 neither admits nor denies 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 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.

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 his rights set forth herein.

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

DATED this 11th day of April, 2012.

Guy W. Bottom
GUY W. BOTTOM

M. Gale Lemmon
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. In January and April 2011, Respondent sent an advertising mailer (“Mailer”) to residents of the State of Utah, using the services of Main Street Power Mail, who produced and mailed the advertisement. The Mailer was reviewed and approved by the Respondent prior to mailing.
2. The Mailer did not disclose the name of the Respondent as the sender of the advertisement; the only identification of the sender anywhere in the Mailer was the use of “MSS” as the name of the addressee on the business reply card, which is not a name or organization associated with the Respondent.
3. The Mailer used an address that was not Respondent’s and did not disclose the true identity or location of the Respondent.
4. The Mailer did not disclose the name of the insurer whose policy was being advertised.
5. Respondent used the following language in the Mailer that implied that the State of Utah had approved or endorsed the policy(ies) being marketed, including that: (a) the insurance was “a **NEW STATE-REGULATED life insurance program**”, (b) the program was a “newly-approved plan **DESIGNED FOR ALL UTAH CITIZENS**”, (c) it was “**FOR UTAH CITIZENS ONLY**”, and (d) it was a “NEW state regulated life insurance program designed for ALL UTAH Citizens” (emphasis in original).
6. The Mailer stated the insurance and the benefits being advertised were new, when such was not the case, including (a) the heading: “**NEW 2011 BENEFIT UPDATE**”, (b) that

the insurance was a "newly-approved plan", and (c) that the insurance was "NEW state regulated life insurance program" (emphasis in original).

7. Respondent used a business card that did not identify his licensed insurance agency, The Bottom Line, LLC, as an insurance agency.

8. Respondent used the title "Senior Products Advisor" on his business card. Respondent has no special certificate or training to advise or provide services to seniors.

9. Respondent also used the term "Western Region" on his business card, when no such geographic region exists for The Bottom Line, LLC.

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

CONCLUSIONS OF LAW

1. The Respondent's failure to disclose in the Mailer the name of the insurer whose policy was being advertised violated Utah Admin. Code Rule R590-130-12.A.
2. Respondent's use of an address that was not his was misleading as to the true identity of the Respondent, in violation of Utah Admin. Code Rule R590-130-12(J), Utah Admin. Code Rule R590-154-7.A.3, and Utah Code Ann. § 31A-23a-402(1)(a)(i).
3. In failing to identify that "The Bottom Line" was an insurance agency on his business cards, Respondent violated Utah Admin. Code Rule R590-154-5.B.2.
4. In using a name other than the exact name appearing on his license in the Mailer and in failing to disclose that the Respondent was a licensed insurance producer in the Mailer, Respondent violated Utah Admin. Code Rule R590-154-7(1) and (3).

5. In using language in his Mailer that implied that the State of Utah had approved or endorsed the policy(ies) being marketed, Respondent violated Utah Code Ann. § 31A-23a-402(1)(a)(i), and Utah Admin. Code Rule R590-154-8.A.

6. In using terminology on his business card that indicated that he has special certification or training in advising or servicing seniors, when such was not the case, Respondent violated Utah Admin. Code Rule R590-252-5(1).

7. In stating in the advertisement that the benefits being advertised were "new" when such was not the case, Respondent violated Utah Code Ann. § 31A-23a-402(1)(a)(i).

8. In using the term "Western Region" on his business card to embellish the size of his insurance business when no such region existed, Respondent violated Utah Code Ann. §31A-23a-402(1)(a)(i).

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, Guy W. Bottom, is assessed an administrative forfeiture in the amount of \$1,500.00, to be paid within 30 day of the date of this Order.

2. Respondent Guy W. Bottom's insurance agent's license is placed on probation for a period of six months beginning with the date of this Order. The terms of probation are as follows:

a. Respondent shall pay the forfeiture assessed herein in a timely manner;

b. Respondent shall complete an additional 3 hours of continuing education, regarding advertising rules and ethics, beyond 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 17th day of April, 2012.

NEAL T. GOOCH
INSURANCE COMMISSIONER



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