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Salt Lake City, Utah 84114  
Telephone: (801) 538-3872

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BEFORE THE INSURANCE COMMISSIONER  
OF THE STATE OF UTAH

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**COMPLAINANT:**

UTAH INSURANCE DEPARTMENT

**RESPONDENTS:**

LEO BARTON ALLEN  
c/o AMWINS BROKERAGE OF PA  
200 South Broad St, Suite 460  
Philadelphia, PA 19102  
License No. 221028

**STIPULATION AND ORDER**

Docket No. 2012-042 LC

Enf. Case No. 3085

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**STIPULATION**

1. Respondent Leo Barton Allen is a non-resident insurance agent licensed to do business in the State of Utah, License No. 221028.
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.

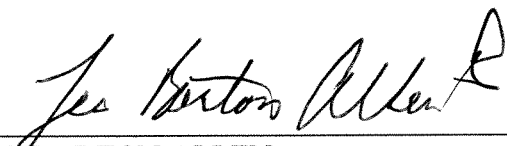
3. Respondent is aware of his right to a hearing at which he may be represented by counsel, present evidence and cross-examine witnesses. Respondent has irrevocably waived his right to such hearing and to any appeal related thereto.


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 purpose of disposition of the matter entitled herein.

DATED this 21st day of February, 2012.

  
\_\_\_\_\_  
LEO BARTON ALLEN

  
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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. A referral from Producer Licensing led to an investigation wherein it was determined that Respondent had failed to notify the Department of administrative actions taken against him in the states of South Dakota and Massachusetts.

2. On or about July 6, 2011, the Producer Licensing Division sent an inquiry to Respondent regarding the South Dakota and Massachusetts actions. The letter requested a signed statement detailing events and all supporting documentation from that state. It also stated the requirement to report such actions within 30 days of finality. Respondent failed to respond to the first inquiry, and a second inquiry was sent to Respondent on August 30, 2011.

3. Because Respondent did not respond to the first two inquiries, on or about October 6, 2011, a third inquiry and final notice was sent to Respondent.

4. Respondent also failed to respond to the third inquiry and the investigator emailed Respondent requesting that Respondent contact the investigator.

5. On November 11, 2011 Respondent's representative, Janice Burke of AMWINS Brokerage of PA, provided documents to the investigator regarding administrative actions taken against Respondent in Kansas and Massachusetts, but did not provide information regarding the South Dakota action where Respondent's licenses was denied.

6. On December 1, 2011 the investigator emailed Respondent and his representative Janice Burke with an enforcement recommendation to resolve his violations of Utah's insurance statute.

7. On December 28, 2011, the investigator again emailed Respondent and Ms. Burke and noted their lack of response. Bernice Moore of AMWINS Brokerage of PA then telephoned the investigator and explained that she had taken over the regulatory issues of the agency. She assured the investigator that she would immediately provide the needed documents and would confer with Respondent.

8. On January 4, 2012, the investigator received an email from Ms. Moore with the information attached. At that time Respondent also agreed to an administrative forfeiture of \$500.00.

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-105, addressing the general requirements for licensing, states in part that a licensed agency producer shall report to the commissioner an administrative action taken against that person within 30 days of the final disposition of the administrative action.

2. Respondent's failure to notify the Utah commissioner (Department) of the South Dakota and Massachusetts administrative actions violated Section 31A-23a-105.

3. In failing to timely respond to inquiries from the commissioner, Respondent violated Utah Code Ann. § 31A-2-202(4).

4. An administrative forfeiture in the amount of \$500.00 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:

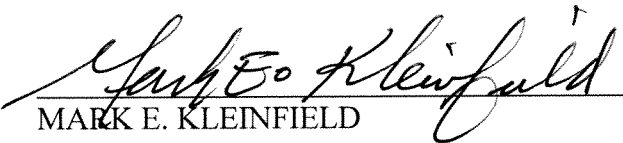
**ORDER**

IT IS HEREBY ORDERED:

1. Respondent Leo Barton Allen is assessed an administrative forfeiture in the amount of \$500.00. Said forfeiture shall be paid to the Department within 30 days of the date of this Order.

DATED this 28<sup>th</sup> day of February, 2012.

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**

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 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.

CERTIFICATE OF MAILING

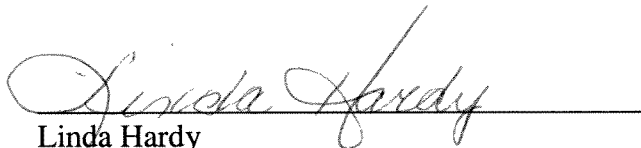
I do hereby certify that on this date I mailed, by regular mail postage prepaid, a true and correct copy of the attached:

STIPULATION  
&  
ORDER

To the following:

LEO BARTON ALLEN  
c/o AMWINS Brokerage of PA  
200 South Broad St. Suite 460  
Philadelphia, PA 19102

DATED this 28<sup>th</sup> day of February, 2012



Linda Hardy  
Market Conduct  
Utah Department of Insurance  
State Office Building, Room 3110  
Salt Lake City, UT 84114-6901  
801-538-3860

**UTAH  
Invoice**

Printed Date: February 24, 2012

Invoice Date: February 24, 2012  
Balance Due: \$500.00  
Due Date: March 24, 2012  
Invoice ID: 567859

ALLEN LEO  
AMWINS BROKERAGE OF PA  
200 SOUTH BROAD ST SUITE 460  
PHILADELPHIA PA 19102

<b>Item Description</b>	<b>Amount</b>
Monetary Penalty Individual	\$500.00
	<hr/>
<b>Original Amount Due</b>	\$500.00
<b>Payments Received</b>	
	<hr/>
	<b>Balance Due</b>

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**UTAH  
Invoice**

Printed Date: February 24, 2012

Invoice Date: February 24, 2012  
Balance Due: \$500.00  
Due Date: March 24, 2012  
Invoice ID: 567859

Make checks payable to: Utah Insurance Department

Send payment to:

Utah Insurance Department  
3110 State Office Building  
Salt Lake City, UT 84114-6901