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FEB 27 2012

UTAH STATE
INSURANCE DEPT.

BEFORE THE INSURANCE COMMISSIONER
OF THE STATE OF UTAH

COMPLAINANT: UTAH INSURANCE DEPARTMENT	STIPULATION AND ORDER Docket No. 2012-044 LC Enf. Case No. 3092
RESPONDENT: GBS BENEFITS INSURANCE AGENCY 465 South 400 East, Suite 300 Salt Lake City, UT 84111-3349 License Nos. 5371 & 391967	

STIPULATION

1. Respondent, GBS Benefits Insurance Agency ("GBS") is a resident insurance producer organization holding license number 5371. As of this date, GBS is also licensed as a resident insurance consultant organization holding license number 391967.

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;

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- 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 23rd day of February, 2012.



GBS BENEFITS INSURANCE AGENCY
Diane Fullerton, Chief Operating Officer



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 or about September 27, 2011, the Department contacted Respondent GBS regarding a complaint received by the Department alleging that Respondent was operating a Consultant Organization without the proper license. A response was requested from GBS.
2. On or about October 11, 2011, Respondent provided an explanation of the allegations and stated that it had applied for the proper license on September 28, 2011.
3. The Consultant Organization license was issued to Respondent by the Department.
4. Respondent was cooperative throughout the investigation and agrees to an administrative forfeiture of \$1,500.00.

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

CONCLUSIONS OF LAW

Applicable Statutes & Rules:

1. Utah Code Ann. § 31A-23a-103(1)(a) states:

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 when it was conducting business as a Consultant Agency prior to being licensed as such.

3. An administrative forfeiture in the amount of \$1,500.00 is appropriate under the circumstances of this matter.

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

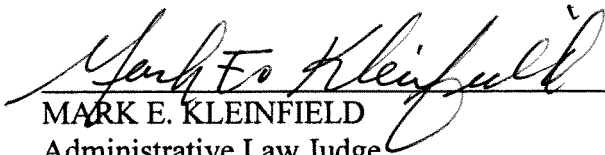
ORDER

IT IS HEREBY ORDERED:

Respondent, GBS Benefits Insurance Agency, is hereby assessed an administrative forfeiture in the amount of \$1,500.00. The forfeiture shall be paid to the Department within 30 days of issuance of this Order.

DATED this 20th 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

You are hereby notified that a failure to obey an Order of the Commissioner may subject you to further penalties, including forfeiture of up to \$5,000 per violation and the suspension or revocation of your license and the filing of an action in district court, which may impose

forfeitures of us 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.