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

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<p><b>COMPLAINANT:</b></p> <p>UTAH INSURANCE DEPARTMENT</p> <p><b>RESPONDENT:</b></p> <p>BRAD BOHLING c/o Wasatch Lawn Mortuary 3401 Highland Drive Salt lake City, UT 84106 License No. 389574</p>	<p><b>STIPULATION AND ORDER</b></p> <p>Docket No. 2012-143 LF</p> <p>Enf. Case No. 3154</p>
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**STIPULATION**

1. Respondent Brad Bohling is a licensed resident insurance producer in the State of Utah, holding license number 389574.
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.

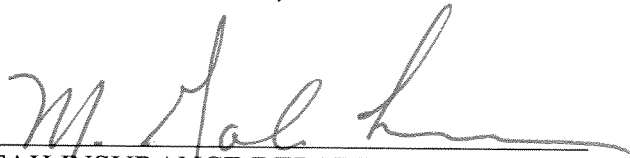
4. Respondent admits the jurisdiction of the State of Utah Insurance Commissioner as to all matters herein.

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 27<sup>th</sup> day of August, 2012.

  
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BRAD BOHLING

  
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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. On August 8, 2011, an audit of Wasatch Lawn Mortuary was conducted by a Department Market Conduce Examiner.
2. During the audit, it was discovered that beginning in December <sup>2011 B.B.</sup> 2001, Respondent had acted on behalf of Wasatch Lawn Mortuary in the capacity of a insurance producer without holding a valid producer license for pre-need funeral plans.
3. A licensed producer, James Pennington, was signing the applications as the producing agent for those applications taken by Respondent, before they were submitted to the insurer.
4. Following the audit, on or about August 10, 2011, a letter from the Department instructed both Respondent and Pennington to cease this practice immediately.
5. During the period of May 5, 2011 through September 22, 2011, when Respondent was not licensed, Respondent sold approximately seventeen (17) American Memorial Life Insurance Company pre-need funeral insurance plans to customers of Wasatch Lawn Mortuary. All of the applications were signed by Pennington as the producing agent.
6. On September 22, 2011, Respondent was licensed by the Department as a resident insurance producer.

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

**CONCLUSIONS OF LAW**

1. By selling pre-need funeral insurance plans without being licensed by the Department, Respondent violated Utah Code Ann. § 31A-103(1)(a).

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, Brad Bohling, is assessed an administrative forfeiture in the amount of \$1,000.00, to be paid within 30 days of the date of this Order.
2. Respondent's insurance producer's license is placed on probation for the period of 12 months, beginning with the date of this Order. The terms of probation are that Respondent shall pay the forfeiture assessed herein in a timely manner, and shall have no further violations of the Insurance Code or Rules or any order of the commissioner.

DATED this 5<sup>th</sup> day of September, 2012.

NEAL T. GOOCH  
Insurance Commissioner



MARK E. KLEINFELD  
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 and Order of the Commissioner may subject you to further penalties, including forfeiture 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 \$10,000.00 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.