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

COMPLAINANT:

UTAH INSURANCE DEPARTMENT

RESPONDENT:

WASATCH LAWN MORTUARY
Attn: Scott Ahrendt, Esq.
3401 S Highland Dr.
Salt Lake City, UT 84106
License No. 4275

**STIPULATION
&
ORDER**

Docket No. 2012-140 LF

Enf. Case No. 3165

STIPULATION

1. Respondent, Wasatch Lawn Mortuary, is a licensed resident insurance agency in the State of Utah, holding License No. 4275.
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 the purpose of disposition of the matter entitled herein.

DATED this 27th day of August, 2012.



WASATCH LAWN MORTURARY
Scott Ahrendt, Attorney for Respondent



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. Respondent Wasatch Lawn Mortuary is an assumed name of Wasatch Land and Improvement Company, a Utah corporation with offices located in Houston, Texas. The DBA Filing of Wasatch Lawn Mortuary in the State of Utah expired on January 29, 2007. Wasatch Land and Improvement Company is now doing business under the name Wasatch Lawn Mortuary and Memorial Park in the State of Utah.

2. Department records do not reflect that Respondent has submitted a name change to the Department or that the actual licensed entity is Wasatch Land and Improvement Company.

3. On August 8, 2011, the Department conducted an audit of the operations of Respondent Wasatch Lawn Mortuary.

4. During the audit, it was discovered that beginning in December 2001, Brad Bohling had acted on behalf of Respondent Wasatch Lawn Mortuary in the capacity of an insurance producer without holding a valid producer license for pre-need funeral plans.

5. A licensed producer, James Pennington, who was employed by the Respondent, was signing the applications as the producing agent for those applications taken by Mr. Bohling, before they were submitted to the insurer.

6. Following the audit, on or about August 10, 2011, a letter from the Department instructed both Respondent and Pennington to cease this practice immediately.

7. During the period of May 5, 2011 through September 22, 2011, with the knowledge of the Respondent, Mr. Bohling sold approximately seventeen (17) American Memorial Life Insurance Company pre-need funeral insurance plans to customers of Wasatch Lawn Mortuary when he was not licensed to do so. All of the applications were signed by Mr. Pennington as the

producing agent.

8. Department records do not show that Respondent has been appointed by any insurer to market insurance policies in the State of Utah.

9. Department records further show that Respondent has not designated any producers to act on its behalf in marketing insurance in the State of Utah.

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

CONCLUSIONS OF LAW

1. By not filing a change of name when the DBA of Wasatch Land and Improvement Company was changed, and by not notifying the Department that Wasatch Lawn Mortuary was actually a DBA of Wasatch Land and Improvement Company, Respondent violated Utah Code Ann. §§ 31A-2-202(6), 31A-23a-104(5)(b)(i), 31A-23a-110(2), and Utah Admin. Code Rule R590-244-11(3)(c).

2. In utilizing the services of an unlicensed insurance producer, Respondent violated Utah Code Ann. § 31A-23a-103(1)(c).

3. In allowing its licensed agent to sign applications for policies sold by an unlicensed agent and submitting those applications to an insurer, Respondent violated Utah Code Ann. § 31A-23a-402(1)(a)(i).

4. In not designating on its license those insurance agents acting on its behalf, Respondent violated Utah Code Ann. § 31A-23a-302.

5. In marketing insurance when it had not been appointed by its underwriters to do so, Respondent violated Utah Code Ann. § 31A-23a-408.

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

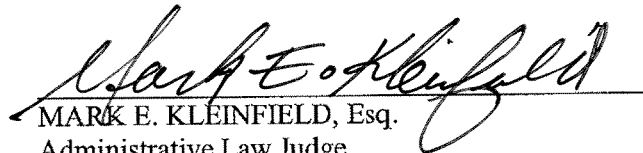
ORDER

IT IS HEREBY ORDERED:

1. Respondent is assessed an administrative forfeiture in the amount of \$3,000.00, to be paid within 30 days of the date of this Order.
2. Respondent shall, within 30 days of the date of this Order, file a change of name and notify the Department of the actual legal entity holding the license and the DBA under which it is operating pursuant to Utah Admin. Code Rule R590-224-11(3), using the form located at <http://www.insurance.utah.gov/docs/IndvAgencyChangeReq12162009.pdf>.
3. Respondent shall, within 30 days of the date of this Order, designate on its license, using SIRCON, all individuals marketing insurance on its behalf, and shall properly maintain those designations in the future.
4. Respondent shall further, within 30 days of the date of this Order, assure that all insurers for which it markets policies, has properly appointed it on the records of the Department.

DATED this 27 day of August, 2012.

NEAL T. GOOCH
INSURANCE COMMISSIONER


MARK E. KLEINFELD, Esq.
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 \$5,000.00 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.

CERTIFICATE OF MAILING

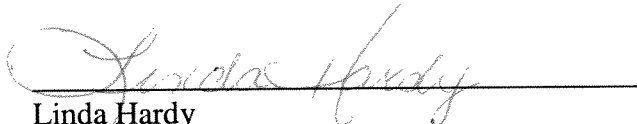
I do hereby certify that on this date I mailed, by regular mail postage prepaid, a true and correct copy of the attached:

STIPULATION
&
ORDER

To the following:

Wasatch Lawn Mortuary
Attn: Scott Ahrendt
3401 Highland Drive
Salt Lake City, UT 84106

DATED this 27th day August, 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: August 27, 2012

Invoice Date: August 27, 2012
Balance Due: \$3,000.00
Due Date: September 28, 2012
Invoice ID: 598628

WASATCH LAWN MORTUARY
3401 S HIGHLAND DR
SALT LAKE CITY UT 84106

Item Description	Amount
Monetary Penalty Company	\$3,000.00
Original Amount Due	<u>\$3,000.00</u>
Payments Received	
	<u>Balance Due</u>

**UTAH
Invoice**

Printed Date: August 27, 2012

Invoice Date: August 27, 2012
Balance Due: \$3,000.00
Due Date: September 28, 2012
Invoice ID: 598628

Make checks payable to: Utah Insurance Department

Send payment to:

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