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RECEIVED

APR 26 2013

UTAH STATE  
INSURANCE DEPT.

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

**COMPLAINANT:**

UTAH INSURANCE DEPARTMENT

**RESPONDENT:**

MARTIN J ERZINGER  
5545 DTC Parkway, Suite 1000  
Greenwood Village, CO 80111-3055  
License No. 231690

**STIPULATION AND ORDER**

Docket No. 2013-056 LC

Enf. Case No. 3285

**STIPULATION**

1. Respondent, Martin J. Erzinger is a non-resident insurance producer holding license 231690 in the State of Utah.
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 30<sup>th</sup> day of April, 2013.



KARL A. COLE-FRIEMAN  
Attorney for Respondent Martin J. Erzinger



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 Martin J. Erzinger is a non-resident insurance producer in the State of Utah and holds Utah licenses in the Individual Life, and Variable Contracts lines of authority as of June 25, 2012, and is an agent for Sanctuary Wealth Advisors (Sanctuary Securities, LLC)

2. On or about January 23, 2013, it came to the Department's attention that Respondent had distributed marketing materials soliciting Universal Life and Long Term Care Benefits business in Utah without possessing the Accident and Health license type in Utah.

3. The Department contacted Respondent via letter on or about on January 30, 2013, and received a detailed response from Respondent's attorney on February 13, 2013, explaining that Respondent was not aware of the licensing requirement under Utah Code in order to market and advertise insurance services. The response also explained that approximately 92 packets of marketing materials were sent out to Utah consumers beginning October 18, 2012, but that no policies had been written.

4. Respondent ceased all advertising and marketing efforts in Utah as soon as the Department notified Respondent that a license type for Accident and Health was required.

5. Respondent has agreed to an administrative forfeiture in the amount of \$1,500.00 with \$750.00 stayed pending successful completion of 12 months probation and upon obtaining a nonresident Accident and Health License type in Utah within 30 days of March 11, 2013.

Based upon the foregoing Stipulation and Findings of Fact, the Presiding Officer enters

the following Conclusions of Law:

**CONCLUSIONS OF LAW**

1. Utah Code Annotated Section 31A-23a-106 states the license types required for a resident or nonresident agent or producer to engage in advertising or selling insurance business in Utah

2. Respondent violated the above statutory provision by failing to obtain a license type for Accident and Health prior to soliciting Long Term Care insurance business in Utah.

3. The agreement between the Department and Respondent for an administrative forfeiture in the amount of \$1,500.00 with \$750.00 stayed pending successful completion of 12 months probation and Respondent's obtaining the proper license type within 30 days of March 8, 2013 is appropriate in 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:**

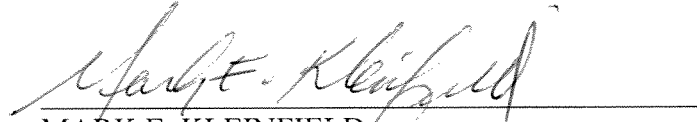
1. Respondent, Martin J. Erzinger, is assessed a forfeiture of \$1,500.00 with \$750.00 stayed pending successful completion of 12 months probation and his obtaining the license type for Accident and Health within 30 days of March 8, 2013. The remaining \$750.00 forfeiture amount not stayed shall be paid to the Department within 30 days of the date of this Order.

2. The terms of probation are that the unstayed portion of the forfeiture assessed shall be paid in a timely manner and that Respondent have no further violations or Utah Code,

Department Rules, or any order of the commission.

DATED this 30<sup>th</sup> day of April, 2013.

TODD E KISER  
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 \$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.

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:

**Martin J. Erzinger**  
5545 DTC Parkway, Suite 1000  
Greenwood Village, CO 80111-3055

DATED this 30<sup>th</sup> day April, 2013

A handwritten signature in cursive script, reading "Linda Hardy", is written over a solid horizontal line.

Linda Hardy  
Market Conduct  
801-538-3860  
[lhardy@utah.gov](mailto:lhardy@utah.gov)

**UTAH**  
**Invoice - Original**

Printed Date: April 30, 2013  
Invoice Date: April 30, 2013  
Balance Due: \$750.00  
Due Date: May 30, 2013  
Invoice ID: 632877  
Payor ID: 119437

ERZINGER MARTIN J  
5445 DTC PARKWAY  
SUITE 1000  
GREENWOOD VILLAGE CO 80111

<b>Item Description</b>	<b>Amount</b>
4/30/2013 Monetary Penalty Individual	\$750.00
E-Case 3285 Docket 2013-056 LC	
<b>Original Amount Due</b>	<u>\$750.00</u>
<b>Payments Received</b>	
	<u><b>Balance Due</b></u>

**UTAH**  
**Invoice - Original**

Invoice Date: April 30, 2013  
Balance Due: \$750.00  
Due Date: May 30, 2013  
Invoice ID: 632877  
Payor ID: 119437  
Payor Name: ERZINGER, MARTIN J

Make checks payable to: Utah Insurance Department

Send payment to:

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