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RECEIVED
 MAY 16 2013
 UTAH STATE
 INSURANCE DEPT.

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

<p>COMPLAINANT: UTAH INSURANCE DEPARTMENT</p> <p>RESPONDENT: DICK SPEECHLY INSURANCE AGENCY, INC 3619 Brinker Ave. Ogden, UT 84403 License No. 251336</p>	<p>STIPULATION AND ORDER</p> <p>Docket No. 2013-067 PC</p> <p>Enf. Case No. 3300</p>
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STIPULATION

1. Respondent, Deck Speechly Insurance Agency, Inc. ("Agency") is a licensed resident insurance agency, holding Utah license number 251336.
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.

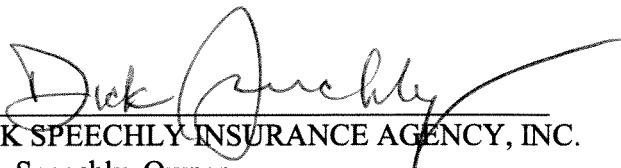
3. Respondent is aware of its right to a hearing at which it may be represented by counsel, present evidence, and cross-examine witnesses. Respondent has irrevocably waived its right to such hearing and to any appeal related thereto.

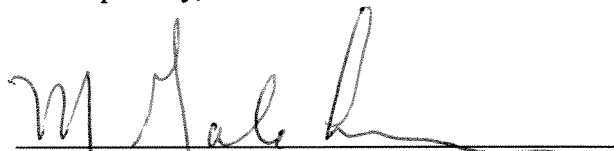
4. Respondent admits the jurisdiction of the State of Utah Insurance Commissioner as to all matters herein.

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 15TH day of May, 2013.


DICK SPEECHLY INSURANCE AGENCY, INC.
Dick Speechly, Owner


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 December 10, 2012, State Farm Insurance notified the Department that it had terminated for cause the association of Jeanette DeHeer, one of Respondent's employees, for co-mingling personal funds with Respondent's trust account funds.

2. On January 28, 2013, the Department initiated an audit of Respondent and requested a list of all current employees, marketing materials, designation of all insurance companies with which Respondent was doing business, all bank statements from October 2011 through June 2012 for all trust, operating, saving and reserve accounts, and information as to how all accounts were set up.

3. As a result of the audit, it was determined that on January 21, 2013, State Farm Insurance activated the affiliation with Respondent although Respondent's license had lapsed on December 31, 2012 and was not re-instated until January 14, 2013. Producers who were working with/for Respondent were not associated with Respondent until February 25, 2013.

4. The audit further showed that Respondent's employee Jeanette DeHeer had co-mingled a total of nine personal checks with the trust fund account monies, and it was determined that trust account deposits were not made by the close of the next business day.

5. Mr. Speechly was diligent and timely in providing the information requested in the audit and took immediate steps to make the changes requested by the Department.

6. The Respondent has agreed to an administrative forfeiture of \$5,000.00 and probation for 12 months.

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

CONCLUSIONS OF LAW

1. Respondent's employee violated Utah Code Annotated Section 31A-23a-409 which prohibits the co-mingling of any monies other than trust monies in the trust accounts, and Utah Admin. Code R.590-170-4 which mandates the manner in which a trust account shall be set up and maintained.

2. Respondent allowed its license to lapse and failed to designate its producers to it in a timely manner as required, in violation of Section 31A-23a-115, Department Rules R590-244-8, and R590-244-10 .

3. The imposition of an administrative forfeiture in the amount of \$5,000.00 and successful completion of 12 months probation 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, Dick Speechly Insurance Agency, Inc. is assessed a forfeiture of \$5,000.00, to be paid within 30 days of the date of this Order.

2. Respondent's license is placed on probation for a period of 12 months beginning with the date of this Order.

3. The terms of probation are that Respondent shall pay the forfeiture assessed herein in a timely manner and shall have no further violations of Utah Code, Department Rules, or any order of the Commissioner.

DATED this 4th day of June, 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 failure to obey an Order of the Commissioner may subject you to further penalties, including forfeiture of up to \$5,000.00 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.