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UTAH STATE
INSURANCE DEPT

M. GALE LEMMON #4363
Assistant Attorney General
JOHN E. SWALLOW #5802
Attorney General
Attorneys for Utah Insurance Department
160 East 300 South, Fifth Floor
P.O. Box 140874
Salt Lake City, Utah 84114-0874
Telephone: 801-366-0375

JSW

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

COMPLAINANT:

UTAH INSURANCE DEPARTMENT

RESPONDENTS:

BRET E. HARDING
7552 Bristlecone Rd.
Eagle Mountain, UT 84005
License No. 263358

UTAH INSURANCE SOLUTIONS
10808 S Riverfront Pkwy, Suite 300
South Jordan, UT 84095
License No. 367451

STIPULATION AND ORDER

Docket No. 2013-124 LC

Enf. Case No. 3370

STIPULATION

1. Respondent, Bret E. Harding ("Harding"), is an active resident producer in the State of Utah holding license number 263358. Respondent, Utah Insurance Solutions ("UIS"), is a Utah limited liability company licensed as an insurance producer in the State of Utah holding license

number 367451. Respondent Harding is the only member and manager of Respondent UIS.

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 herein.
- 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.


7. If this agreement is not accepted or the penalty is not imposed as agreed upon by the

parties, then this Stipulation will be void or of no effect.

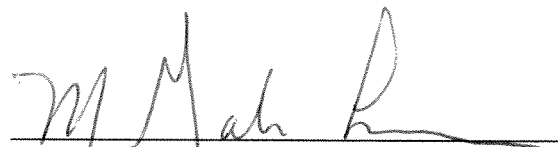
DATED this 28 day of October, 2013.



BRET E. HARDING



UTAH INSURANCE SOLUTIONS
Bret E. Harding, Managing Member



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, the Department received a complaint regarding Respondents' marketing practices. The complaint alleged that Respondents were disseminating misleading advertising through use of an unauthorized trademark logo and language substantially identical to that of the complaining company.

2. The Department market conduct examiner reviewed Respondents' various websites and determined, *inter alia*, the following:

- A. On one website, www.utahinsurancesolutions.com, Respondent UIS advertised property and casualty insurance when neither Respondent had a property and casualty line of authority;
- B. Respondents cited statistics but failed to cite the source of the statistics in their advertisements;
- C. Respondents engaged in false and misleading advertising by using the word Utah in front of types of insurance (such as Medicare supplemental insurance) giving the false impression that it is specific to Utah;
- D. Respondents' advertising made reference to a "seasoned staff" when in fact there was no staff;
- E. Respondents' advertising claimed that Harding "is Utah's #1 insurance broker" without citing a source or providing any information to back the claim;
- F. Respondents used a trademarked image that belonged to another insurance company; and
- G. Respondents advertised under a name other than the name on their licenses.

3. Market conduct examiner Jen Christian met with Respondent Harding in December 2012 and reviewed the website content violations. Christian directed Respondents to remove/correct the advertising on their websites.

4. In May 2013, Ms Christian again reviewed Respondents' websites and determined that

some changes had been made, but others had not. In addition, some new violations were found.

5. On June 20, 2013, Department personnel again met with Respondent Harding. Mr. Harding was given printouts of the Rules governing advertisements of insurance and unfair marketing practices. Harding stated that he felt he had been diligent in complying with the December requests. Several of Respondents' websites were reviewed and Mr. Harding was again told of the Department's concern that some of the advertising was considered misleading. Respondents were instructed to close down their websites and review them in their entirety to insure compliance with all Department rules.

6. MCE verified the following week that Respondent had complied and the websites were inactive.

7. The Department and Respondents have agreed on imposition of an administrative forfeiture in the amount of \$7,500.00 the imposition of probation on Respondents' licenses for a period of 24 months which shall include quarterly meetings with the Department, submission of all advertising materials prior to use, attendance at continuing education class, and no further violations of Utah law or Department rules.

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-402, and Utah Code Admin. Rules R590-130-

6, R590-130-10, R590-154-5, and R590-154-7 address unfair marketing practices and the requirements that all advertising be sufficiently complete clear so as to not mislead or deceived the reader. In addition any use of statistics shall provide the source of those statistics. Any implication of association or connection to any other organization where such association or connection does not exist is prohibited, and using any name of advertising other than the exact name appearing on the license is a violation.

2. The advertising materials and statements incorporated into Respondent's various websites as found above constituted multiple violations of the above provisions.

3. The agreement between the Department and Respondent for an administrative forfeiture in the amount of \$7,500.00 with one-half stayed and probation for a period of 24 months 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. Respondents Bret E. Harding and Utah Insurance Solutions are jointly and severally assessed an administrative forfeiture in the amount of \$7,500.00. The amount of \$3,750.00 is hereby stayed pending the successful completion of the probation imposed herein. The portion

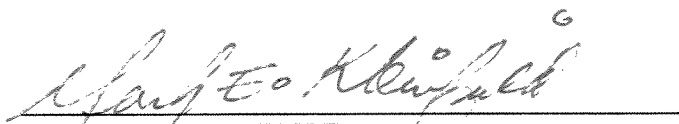
of the forfeiture not stayed of \$3,750, shall be paid in equal installments of \$625.00. The first installment shall be due and payable on or before 30 days following the date of this Order. Each successive installment shall be due and payable each 30 days thereafter.

2. Respondents' licenses are placed on probation for a period of 24 months beginning with the date of this Order. The terms of probation are:

- a. Respondents shall pay the forfeiture assessed in a timely manner;
- b. Respondent Bret E. Harding shall meet with the Department quarterly to discuss his business and marketing practices;
- c. Respondents shall submit all marketing materials to the Department for review prior to use;
- d. Respondent Bret E. Harding shall complete a minimum of 3 hours of continuing education including topics on Utah insurance laws and rules prior to the next renewal of his license in addition to the continuing education required for renewal of his license; and
- e. Respondents shall have no further violations of Utah laws or Department rules.

DATED this 4th day of November, 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 for an individual licensee and of up to \$5,000.00 per violation for other than individual licensees, and the suspension or revocation of your licenses and the filing of an action in district court, which may impose forfeitures of up 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.

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:

Bret Harding
7551 Bristolecone Rd
Eagle Mtn., UT 85005-6073

DATED this 4th day November, 2013



Linda Hardy
Market Conduct
Utah Department of Insurance
801-538-3860
lhardy@utah.gov



State of Utah

GARY R. HERBERT
Governor

GREG BELL
Lieutenant Governor

Insurance Department

UTAH Invoice - Original

HARDING, BRET E
7551 BRISTLECONE RD
EAGLE MOUNTAIN UT 84005

Printed Date: November 4, 2013
Invoice Date: November 4, 2013
Balance Due: \$3,750.00
Due Date: December 4, 2013
Invoice ID: 660523
Payor ID: 149612

Date	Item Description	Amount	
11-04-2013	Monetary Penalty Individual	\$3,750.00	E-Case 3370 Docket 2013-124
LC	\$625.00 to be paid on the 4th of each month beginning 12-4-2013		

No Adjustments

No Payments

Balance Amount Due \$3,750.00

UTAH Invoice - Original

Make check payable to: Utah Insurance Department
Send payment to:
Utah Insurance Department
3110 State Office Building
Salt Lake City, UT 84114-6901

Invoice Date: November 4, 2013
Balance Due: \$3,750.00
Due Date: December 4, 2013
Invoice ID: 660523
Payor ID: 149612

Detach and Return this Voucher with Payment
Payments Will Not Be Processed without Voucher