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

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<p>UTAH INSURANCE DEPARTMENT,  Complainant,  v.  BRIGHTON INSURANCE GROUP, License No. 6428, and JUDY BIGLER, License No. 33250, 8184 S Highland Drive, Ste C5 Sandy, Utah 84093  Respondents.</p>	<p style="text-align: center;"><b>STIPULATION AND ORDER</b></p> <p>Docket No. 2014-044 PC  End. Case No. 3469  Mark E. Kleinfield Administrative Law Judge</p>
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**STIPULATION**

Utah Insurance Department (“Department”), through its legal counsel, Gary D. Josephson, Assistant Attorney General, and Brighton Insurance Group (“Respondent”) hereby stipulate and agree as follows:

1. Respondent, Brighton Insurance Group is an active Utah Resident Agency and Producer Organization License – No. 6428. Respondent, Judy Bigler, (“Bigler holds an active


Utah Resident Producer License – No. 33250.

2. The Department has jurisdiction over the parties and the subject matter of this administrative action.
3. Respondent acknowledges Notice of Agency Action pursuant to Utah Code Section 63g-4-210; acknowledges that this Stipulation and Order is part of an informal proceeding pursuant to Utah Code § 63g-4-202; and irrevocably waives the right to any hearing, review, or appeal concerning this matter.
4. Respondent has the right to be represented by legal counsel and waives this right by either having sought the advice of legal counsel or having voluntarily chosen not to do so.
5. Upon approval and signing by the parties, this Stipulation, along with the Findings and Fact and Conclusions of Law and the Order shall not be subject to any reconsideration, renegotiation, modification, hearing or agency review or appeal.
6. The parties hereby agree to the Findings of Fact and Conclusions of Law presented below.
7. The issuance of the Order proposed below is solely for the purpose of disposing of the specific matter entitled herein.
8. The only promises, agreements and understandings that the parties have regarding this matter are contained in this Stipulation.
9. Respondent enters into this Stipulation, voluntarily, knowingly, and free from coercion of any kind.

10. A person signing this Stipulation on behalf of each named party hereby affirms that he/she represents the respective party and is authorized to sign and bind the respective party.

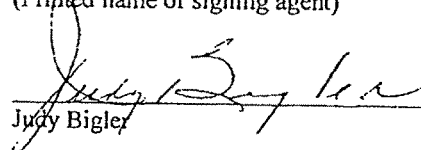
11. If the Order below is not signed by the Administrative law Judge, this Stipulation is void and of no effect.

Date 06/05/14

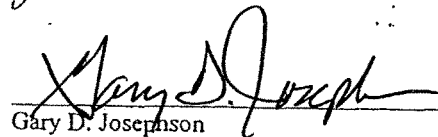
  
Authorized Agent for Brighton Insurance Group  
License #6428

*AMP*  
Alana Thomas  
(Printed name of signing agent)

Date 06/05/14

  
Judy Bigler

Date 6/13/14

  
Gary D. Josephson  
Assistant Attorney General  
Utah Insurance Department

Based upon the foregoing Stipulation and the Department file, the Administrative Law Judge makes the following Findings of Fact:

#### **FINDINGS OF FACT**

1. On or about August 28, 2012, Mr. Jonathan Fairbanks applied for automobile insurance with Respondent Brighton and paid a premium in the amount of \$138.80 to Bear River Mutual. The check was deposited into Respondent Brighton's trust account.

2. A Certificate of Insurance was issued to University of Utah Credit Union by a producer for Brighton.
3. Documents received from Bear River Mutual indicate they did not receive the premium for Mr. Fairbanks' automobile insurance policy until December 2, 2013 after a reported automobile accident claim was made by Mr. Fairbanks.
4. On or about January 15, 2013, Mr. Fairbanks purchased a new 2007 Honda Odyssey vehicle and added the vehicle to his existing policy, which was not in effect at the time. Nevertheless, the producer issued an insurance card with policy #C242314; however, according to the Accord certificate that was issued on January 17, 2013, the policy number should have been #165799. Neither of these policy numbers matched Mr. Fairbanks' policy number.
5. On or about November 8, 2013, Mr. Fairbanks was involved in an automobile accident. When Mr. Fairbanks called Respondent Brighton to report the accident, Respondent Bigler could not verify his policy.
6. Mr. Fairbanks then called Bear River Mutual who indicated to him that it had no record of either his homeowners or auto policies. Mr. Fairbanks was contacted by Bear River Mutual a few days later and was told his claim would be "on hold" pending an investigation.
7. Respondent Brighton worked with Bear River Mutual and eventually Mr. Fairbank's claim was paid.
8. Respondents have agreed to a \$7,000.00 administrative forfeiture in this matter.

Based upon the foregoing Stipulation and Findings of Fact, the Administrative Law Judge enters the following Conclusions of Law:

**CONCLUSIONS OF LAW**

1. The above actions of Respondents violated Utah Code § 31A-23a-412, which requires that records be accurate, thorough and organized.
2. The above actions of Respondents are a violation of Utah Code § 31A-23a-409; wherein, Respondents did not fulfill the fiduciary duties of a trustee with respect to monies to be forwarded to the insured or insurer.
3. The Above actions of Respondents are a violation of Utah Code § 31A-23a-410, in that it provides that if an insurer is obligated to pay a claim pursuant to that section, and that licensee or employee who received the premium failed to forward it, the licensee is obligated to the insurer for the entire unpaid premium due under the policy, together with reasonable expenses of suit and reasonable attorney fees.
4. An Administrative forfeiture in the amount of \$7,000.00 is appropriate in this matter.


**ORDER**

Based on the Stipulation, Findings of Fact, and Conclusions of Law, Respondents, Brighton Insurance Group and Judy Bigler, are assessed an administrative forfeiture in the total amount of \$7,000.00 to be paid to the Department within thirty (30) days of the date of the

signing of this Order.

DATED this 16<sup>th</sup> day of June, 2014.

TODD E KISER  
UTAH INSURANCE COMMISSIONER



MARK E. KLEINFELD, ESQ.  
ADMINISTRATIVE LAW JUDGE  
Utah Department of Insurance  
State Office Building, Room 3110  
Salt Lake City, UT 84114  
Telephone (801) 538-3800

**NOTIFICATION TO RESPONDENTS**

You are hereby notified that a failure to obey an Order of the Commissioner may subject you to further penalties, including forfeitures of up to \$5,000 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 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

The undersigned certifies on this date, a true and correct copy of the Stipulation and Order were mailed, postage prepaid, to the following:

ADAM M. PACE, ESQ  
SNOW, CHRISTIANSEN AND MARTINEAU  
10 EXCHANGE PLACE, FL. 11  
SALT LAKE CITY, UT 84111

DATED this 16<sup>th</sup> day June, 2014

  
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LINDA HARDY  
UTAH INSURANCE DEPARTMENT  
STATE OFFICE BUILDING, ROOM 3110  
SALT LAKE CITY, UT 84114-6901



**State of Utah**

GARY R. HERBERT  
*Governor*

SPENCER J. COX  
*Lieutenant Governor*

# Insurance Department

## UTAH Invoice - Original

ALANA THOMAS  
BRIGHTON INSURANCE GROUP, INC  
8184 S HIGHLAND DR STE C5  
SANDY UT 84093

Printed Date: June 16, 2014  
Invoice Date: June 16, 2014  
Balance Due: \$7,000.00  
Due Date: July 21, 2014  
Invoice ID: 697070  
Payor ID: 7362

Date	Item Description	Amount
06-16-2014	Monetary Penalty Agency	\$7,000.00

### E-Case 3469    Docket 2014-044 PC

No Adjustments

No Payments

**Balance Amount Due**    \$7,000.00

## 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: June 16, 2014  
Balance Due: \$7,000.00  
Due Date: July 21, 2014  
Invoice ID: 697070  
Payor ID: 7362

### E-Case 3469    Docket 2014-044 PC

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