

GARY JOSEPHSON #5299  
Assistant Attorney General  
SEAN D. REYES #7969  
Attorney General  
Attorneys for Utah Insurance Department  
160 East 300 South, Fifth Floor  
P.O. Box 140874  
Salt Lake City, UT 84114-0874  
Telephone (801) 366-0375  
Email: gjosephson@utah.gov

---

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

---

<p>UTAH INSURANCE DEPARTMENT,  Complainant,  vs.  EDUCATION RESOURCE CENTER, Provider No. 8571 1712 North 850 East Ogden, Utah 84414  Respondent.</p>	<p><b>STIPULATION AND ORDER</b></p> <p>Docket No. 2014-068 LC Enforcement Case No. 3504</p> <p>Mark E. Kleinfield Administrative Law Judge</p>
---	--

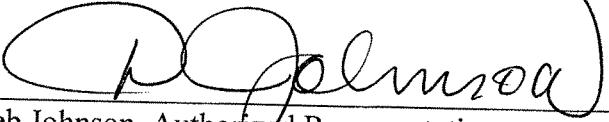
**STIPULATION**

The Utah Insurance Department (“Department”), by and through its legal counsel, Gary D. Josephson, Assistant Attorney General, and Education Resource Center (“Respondent”), hereby stipulate and agree as follows:

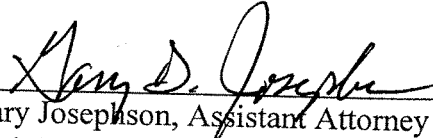
1. Respondent, Education Resource Center, is an active continuing education insurance provider, under Utah Provider No. 8571.
2. The Department has jurisdiction over the parties and subject matter of this administrative action.

3. Respondent acknowledges notice of agency action pursuant to Utah Code § 63G-4-201; acknowledges that this Stipulation and Order is 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. This signed Stipulation and the signed Order by the Administrative Law Judge, along with the Findings of Fact and the Conclusions of Law, shall not be subject to any reconsideration, renegotiation, modification, hearing, or agency review or appeal.
5. If an administrative hearing were held, the Department could offer evidence that would support the Findings of Fact presented below; therefore, the Findings of Fact and Conclusions of Law are accepted by the parties.
6. The issuance of the signed Order proposed below is solely for the purpose of disposing of the specific matter addressed herein.
7. The only promises, agreements and understandings that the parties have regarding this matter are contained in this Stipulation.
8. Respondent enters into this Stipulation voluntarily, knowingly, and free from any coercion of any kind.
9. The persons signing this Stipulation in behalf of the named parties hereby affirm that they are authorized to sign and bind the parties.

Dated this 28<sup>th</sup> day of August, 2014.

  
Deb Johnson, Authorized Representative  
Education Resource Center

Dated this 2<sup>nd</sup> day of September, 2014.

  
\_\_\_\_\_  
Gary Josephson, Assistant Attorney General  
Utah Insurance Department

Based upon the foregoing Stipulation and information in the file, the Presiding Officer makes the following Findings of Fact:

**FINDINGS OF FACT**

1. On August 29, 2013, Mr. Ryan Bigelow attended a continuing insurance education course from Respondent. The credits of continuing education from Respondent were reported on October 8, 2013, twenty-six days late. The credits should have been reported by September 12, 2013.
2. On November 8, 2013, the Department sent Respondent a letter of admonition for failure to report continuing education within the required 14 days. The Department's letter warned Respondent that evidence of a similar violation in the future could result in the imposition of sanctions or penalties.
3. On February 13, 2014, Mr. Cameron Ricks took a continuing insurance education class from Respondent. Respondent did not report the class to the Department until twenty-one days later, seven days past the required reporting date for continuing education licensees.

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

**CONCLUSIONS OF LAW**

1. Under Utah Administrative Rule 590-142-6(1), within 14 days of the completion of a continuing education course of study, the provider is required to electronically submit a course completion record to a designated internet site identifying the student and course information for each student that completed the course.
2. For a second time, in violation of Administrative Rule 590-142-6(1), Respondent failed to report the completion of the continuing insurance education course of study to the Department within 14 days .

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

**ORDER**

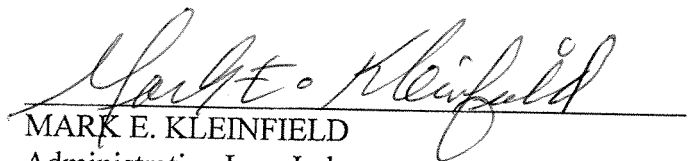
**IT IS HEREBY ORDERED:**

1. Respondent is assessed a forfeiture in the amount of \$250.00. This forfeiture is due to be paid within thirty (30) days from the date of the signing of this Order by the

Administrative Law Judge.

DATED this 3<sup>rd</sup> day of September, 2014.

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 \$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.