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UTAH STATE
INSURANCE DEPT.

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

UTAH INSURANCE DEPARTMENT,

Complainant,

vs.

SCOTT BARKER
1627 Valley View Dr.
Layton, UT 84040
License # 80270,

Respondent.

**STIPULATION
AND ORDER**

Docket No. 2014-098 LC
Enforcement Case No. 3531

Judge Mark Kleinfeld
Administrative Law Judge

The Utah Insurance Department (“Department”), by and through its attorney, Perri Ann Babalis, Assistant Attorney General, and Scott Barker, (“Respondent”), a licensed insurance producer, hereby stipulate and agree as follows:

STIPULATION

1. Respondent, Scott Barker, is a licensed insurance producer pursuant to License No

80270. Respondent's mailing address is 1627 Valley View Dr., Layton, Utah 84040.

2. Respondent admits that the Utah Insurance Commissioner has jurisdiction over Respondent and over the subject matter of this action.

3. Respondent acknowledges notice of agency action pursuant to Utah Code Ann. § 63G-4-210; further acknowledges that this Stipulation and Order is an informal proceeding pursuant to Utah Code Ann. § 63G-4-202; and waives the right to any hearing in this matter.

4. Respondent affirms that Respondent enters into this stipulation voluntarily and knowingly.

5. Respondent affirms that the only promises, agreements, or understandings the Respondent has obtained from the Department or from an agent or representative of the Department regarding this stipulation are contained herein.

6. Respondent acknowledges that Respondent has the right to be represented by legal counsel and Respondent has either sought the advice of an attorney or has voluntarily chosen not to do so.

7. The parties acknowledge that upon approval by the Respondent and the Department, this stipulation shall be made a part of the attached final Order, and shall be the final compromise and settlement of this matter, and is not subject to agency review, reconsideration, renegotiation, modification, appeal, or hearing.

8. Respondent admits that on or about May 14, 2014, he contacted the Department to self-report that he had been terminated "for cause" from Farmers Insurance Group. The basis for the "for cause" termination was: (1) money was missing from his trust account; and (2) he used some of the trust fund money for business expenses.

9. Respondent admits that his trust account was short on funds partially due to the fact that Respondent failed to deposit premium payments into the trust account on a daily basis, as required by statute.

10. Respondent admits that the missing trust account funds have replaced by Respondent.

11. Respondent admits that the above acts and practices constitute violations of the Utah Insurance Code. Specifically, Respondent admits that Respondent has violated:

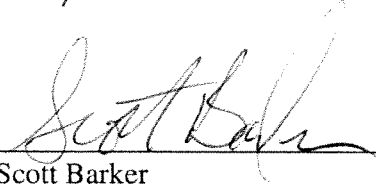
a. Utah Code Ann. § 31A-23a-409, Trust obligation for money collected.

12. As full settlement of all of the issues raised in the stipulation, Respondent agrees as follows:

a. Respondent agrees to pay a forfeiture in the amount of \$1,000.00, due and payable within 30 days from the date of the attached Order; and

b. Respondent agrees to be placed on probation for a period of 24 months, during which time Respondent shall have no other insurance law, regulation or rule violations.


DATED this 23 day of September, 2014.



Scott Barker

DATED this 29th day of September, 2014.

SEAN D. REYES
Attorney General



Perri Ann Babalis
Assistant Attorney General

Based upon the foregoing Stipulation, and for good cause appearing, the Administrative Law Judge hereby enters the following:

ORDER

IT IS HEREBY ORDERED:

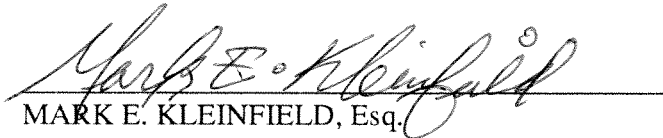
1. Respondent shall pay a forfeiture in the amount of \$1,00.00, said amount will be due

and owing to the Department within 30 days from the date of this Order; and

b. Respondent shall be placed on probation for a period of 24 months, during which time Respondent shall have no other insurance law, regulation or rule violations.

DATED this 30th day of September, 2014.

TODD E. KISER
INSURANCE COMMISSIONER



MARK E. KLEINFELD, Esq.

Administrative Law Judge
Utah Insurance Department
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NOTIFICATIONS

1. Respondent is hereby notified that failure to abide by the terms of this Order may subject you to further penalties, including additional forfeitures of up to \$5,000.00 per violation.
2. You are further notified that other jurisdictions in which you may be licensed may require that you report this action to them.