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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

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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:

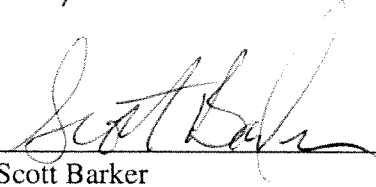
a. Utah Code Ann. § 31A-23a-409, Trust obligation for money collected.

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 29<sup>th</sup> 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:

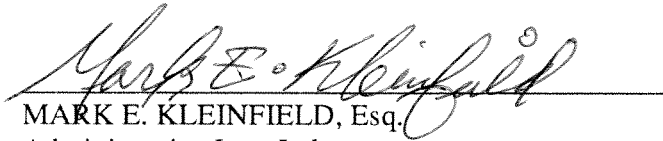
1. Respondent shall pay a forfeiture in the amount of \$1,00.00, said amount will be due

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 30<sup>th</sup> day of September, 2014.

TODD E. KISER  
INSURANCE COMMISSIONER



MARK E. KLEINFELD, Esq.  
Administrative Law Judge  
Utah Insurance Department  
State Office Building, Room 3110  
Salt Lake City, Utah 84114  
Telephone (801) 538-3800  
Email: [mkleinfield@utah.gov](mailto:mkleinfield@utah.gov)

#### 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.

CERTIFICATE OF MAILING

The undersigned hereby certify that on this date, a true and correct copy of the foregoing STIULATION AND ORDER was mailed, postage prepaid, to the following:

Scott Barker  
1627 Valley View Dr.  
Layton, UT 84040  
&  
scottdb1967@gmail.com

DATED this 29<sup>th</sup> day September, 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

SCOTT D BARKER  
BARKER, SCOTT D  
1627 VALLEY VIEW DR  
LAYTON UT 84040-7761

Printed Date: September 30, 2014  
Invoice Date: September 30, 2014  
Balance Due: \$1,000.00  
Due Date: November 4, 2014  
Invoice ID: 720864  
Payor ID: 32914

Date	Item Description	Amount	
09-30-2014	Monetary Penalty Individual	\$1,000.00	E-Case 3531 Docket # 2014-098 LC

No Adjustments

No Payments

**Balance Amount Due \$1,000.00**

## 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: September 30, 2014  
Balance Due: \$1,000.00  
Due Date: November 4, 2014  
Invoice ID: 720864  
Payor ID: 32914

E-Case 3531 Docket # 2014-098 LC

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