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

<p>UTAH INSURANCE DEPARTMENT, Complainant, v. JIM D. FINK 2526 Falls View Cr. Grand Junction, CO 81504-5483 Utah License # 476383 Respondent.</p>	<p>STIPULATION AND ORDER</p> <p>Docket No. 2016-069 LC Enf. Case No. 3782</p> <p>Judge Gregory Soderberg Administrative Law Judge</p>
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STIPULATION

The Utah Insurance Department ("Department"), by and through its attorney, Perri Ann Babalis, and Jim D. Fink ("Respondent"), hereby stipulate and agree as follows:

1. Respondent, Jim D. Fink, is a limited line insurance producer, holding license #476383. Respondent's address is 2526 Falls View Circle, Grand Junction, CO 81504-5483.
2. The Department has jurisdiction over the parties and subject matter of this

Stipulation.

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 Section 63G-4-202; and irrevocably waives the right to any hearing, review or appeal concerning this matter.

4. Respondent is represented by legal counsel with regards to this Stipulation, or has waived the right to review this Stipulation with counsel.

5. This signed Stipulation, along with any Findings of Fact and Conclusions of Law, shall not be subject to any reconsideration, renegotiation, modification, hearing or agency review or appeal.

6. The Findings of Fact and Conclusions of Law presented below are accepted by the parties.

7. The issuance of the signed and adopted 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 any coercion of any kind.


10. The person, if any, signing this Stipulation on behalf of the named party hereby affirms that he is authorized to sign and bind the party.

Dated this 16 day of June, 2016.



JIM D. FINK
Respondent

Dated this 28th day of June, 2016.



PERRI ANN BABALIS
Utah Assistant Attorney General for the
Utah Insurance Department

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

FINDINGS OF FACT

1. An investigation conducted by the Utah Insurance Department revealed that Respondent, Jim D. Fink, created seven (7) bills of sale for vehicles that the customers already owned in order to qualify the customers for lower premium rates.
2. As a result of the actions described in paragraph 1 above, Respondent's agency appointment with The Farmer's Group was terminated.
3. Based upon the Department's investigation, the Respondent was found to have engaged in an unfair trade practice or fraud.

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

CONCLUSIONS OF LAW

1. Utah Code Ann § 31A-23a-111 provides that the Commissioner may take action against a licensee if the Commissioner finds that the licensee: . . .(xv) admits or is found to have committed an insurance unfair trade practice or fraud; (xvi) in the conduct of business . . . uses fraudulent, coercive, or dishonest practices; or demonstrates incompetence, untrustworthiness, or financial irresponsibility.

2. Respondent, Jim D. Fink, violated the above referenced statute when he created seven (7) bills of sale for vehicles that the customers already owned in order to qualify the customers for lower premium rates.

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, Jim D. Fink, is assessed a forfeiture in the amount of \$2,000.00. The forfeiture shall be paid to the Department within 30 days of the date of this Order.

2. Respondent, Jim D. Fink, is placed on probation for a period of twelve (12) months, during which time Respondent shall not violate any insurance statutes or rules.

DATED this 28th day of June, 2016.

TODD E. KISER
Insurance Commissioner



GREGORY SODERBERG
Administrative Law Judge
Utah Department of Insurance
State Office Building, Room 3110
Salt Lake City, UT 84114
Telephone (801) 530-6706

NOTIFICATION TO RESPONDENT

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.