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

UTAH INSURANCE DEPARTMENT,

Complainant,

vs.

MARK GREGORY DAWAHARE

2013 Silverton Drive
Henderson, NV 89074-1552

Mark391@earthlink.net

License No. None

Respondent.

**STIPULATION
AND ORDER**

**Docket No. 2017-028 LF
Enforcement Case No. 3876**

**Judge Lisa Watts Baskin
Administrative Law Judge**

The Utah Insurance Department ("Department"), by and through its attorney, Perri Ann Babalis, Assistant Attorney General, and Mark Gregory Dawahare ("Respondent"), hereby stipulate and agree as follows:

STIPULATION

1. Respondent, Mark Gregory Dawahare, is an unlicensed non-resident producer. Respondent's mailing address is 2013 Silverton Drive, Henderson, NV 89074-1552. Respondent's email address is mark391@earthlink.net.
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 signing this Stipulation on behalf of the Respondent hereby affirms that he is authorized to sign and bind said party.

Dated this 24 day of APRIL, 2017.



MARK GREGORY DAWAHARE

Dated this 12th day of April, 2017.

/s/ Perri Ann Babalis
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. On or about April 4, 2012, Respondent solicited and sold an annuity contract to a Utah resident, without holding a Utah non-resident producer license. Specifically, Respondent sold a Life Insurance Company of the Southwest Annuity Contract to Lee Ann Prince, a Utah resident.

2. The application forms were submitted with a Nevada address when the applicant's address was in Pleasant View, Utah. The application states that it was signed in Centerville, Utah on April 4, 2012.

3. On or about August 20, 2014, Respondent solicited and sold an annuity contract to a Utah resident, without a Utah non-resident producer license. Specifically, Respondent sold an Ameritas Annuity Contract to Lee Ann Prince, a Utah resident.

4. The application forms were submitted with a Nevada address when the applicant's address was in Pleasant View, Utah. The application states that it was signed in Las Vegas, NV on August 20, 2014.

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-103 provides that a person may not perform, offer to perform or advertise and service as a producer without a valid individual license.

2. Respondent violated the above referenced statute on two (2) separate occasions when he sold two annuities to a Utah consumer without a proper Utah license.

3. The proposed administrative forfeiture is appropriate under the circumstances.

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, Mark Gregory Dawahare, is assessed a forfeiture in the amount of \$2,000.00. The forfeiture shall be paid to the Department in quarterly payments of \$500.00 each.

DATED this 26th day of April, 2017.

TODD E. KISER
Insurance Commissioner



LISA WATTS BASKIN
Administrative Law Judge
Utah Department of Insurance
State Office Building, Room 3110
Salt Lake City, UT 84114
Telephone (801) 537-9246

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.

CERTIFICATE OF MAILING

I do hereby certify that on this date I both electronically transmitted and sent by regular mail a true and correct copy of the attached STIPULATION AND ORDER to the following:

MARK GREGORY DAWAHARE
2013 SILVERTON DRIVE
HENDERSON NV 89074-1552

PERRI ANN BABALIS
ASSISTANT ATTORNEY GENERAL
160 EAST 300 SOUTH, FIFTH FLOOR
SALT LAKE CITY UT 84114-0874

Date: 4/26/2017


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