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

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<p>UTAH INSURANCE DEPARTMENT,</p> <p style="text-align: right;">Complainant,</p> <p>v.</p> <p>ACTION IMMIGRATION BONDS AND INSURANCE SERVICES, INC. 1133 SE 3<sup>RD</sup> Avenue Ft. Lauderdale, FL 33316 License No. 316516</p> <p style="text-align: right;">Respondent.</p>	<p><b>STIPULATION AND ORDER</b></p>  <p>Docket No. 2017-034 PC Enf. Case No. 3881</p>  <p>Lisa W. Baskin, J.D. Presiding Officer</p>
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**STIPULATION**

The Utah Insurance Department ("Department"), by and through its legal counsel, and Action Immigration Bonds and Insurance Services ("Respondent"), hereby stipulate and agree as follows:

1. Respondent insurance agency is an active non-resident Producer Organization with the qualifications of Casualty and Property authorized to do business in the State of Utah under License No. 316516. Respondent's business address is 1133 SE 3<sup>rd</sup> Avenue, Ft. Lauderdale, Florida 33316.

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 Section 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 aware of its right to be represented by legal counsel in this matter and has either sought the advice of legal counsel or has waived the right to do so.

5. This signed Stipulation and the signed Order, 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 persons signing this Stipulation on behalf of the named parties hereby affirm that they are authorized to sign and bind the parties.

Dated this 26 day of April, 2017.

  
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Judy Needleman Prager  
ACTION IMMIGRATION BONDS AND INSURANCE  
SERVICES, INC.

Dated this 26<sup>th</sup> day of April, 2017

  
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Gary D. Josephson, Assistant Attorney General  
UTAH INSURANCE DEPARTMENT

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

**FINDINGS OF FACT**

1. Respondent is affiliated with Bankers Insurance Company to sell immigration bonds. Respondent operated a website to inform potential agents and clients of the value of doing business with Respondent. On July 17, 2016, the Department obtained information printed from Respondent's website that resulted in an investigation.
2. The Department's investigation found that, according to Respondent's website, if an agent refers a call and a bond is written, a referral fee would be paid to the referring agent.
3. Respondent's website also stated that it does not charge an annual renewal fee based on the percentage of the immigration bond, but rather only a one-time fee is charged for

the bond. An asterisk directs the client to read that a yearly management premium of \$225.00, is charged if the case goes beyond one year.

4. The investigation also found that Respondent listed its parent company as Action International Insurance on the website.

5. In contacting Bankers, the Department's investigation found that 13 immigration bonds had been written for clients, with a Utah address, by Respondent between July 1, 2013 and July 31, 2016.

6. In contacting the Respondents regarding the information obtained from Bankers and through Respondent's website, it was found that, of the 13 immigration bonds written, 6 did pay yearly maintenance fees; two referrals fees had been paid; the agents to whom the referral fees were paid did not have the qualification of casualty and property, only qualification of bail; and it acknowledged that Action International Services was not licensed.

7. Upon completion of its investigation, the Department notified Respondent of its need to come into compliance with Utah insurance laws by changing its website to reflect that referral fees will not be paid to Utah agents, that the wording regarding Respondent not charging an annual renewal fee be removed, and that the wording identifying Action International Services as the parent company be removed. Respondent has since complied with these requirements.

8. On April 20, 2017, the Department and Respondent agreed to Respondent's payment of an administrative forfeiture in the amount of \$18,000.00 to be paid to the Department over six months.

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

### CONCLUSIONS OF LAW

1. Respondent violated Utah Code Section 31A-23a-402.5, which prohibits certain inducements, when it advertised via its website that if an agent referred an immigration bond to it, and the bond was written, the agent would be paid a referral fee. During the period of July 1, 2013 through July 31, 2016, Respondent paid the fee to two agents who held the qualification of bail, rather than the qualification of casualty and property.

2. Respondent violated Utah Code Section 31A-23a-402, which addresses unfair marketing practices, when Respondent promoted on its website that it did not charge an annual renewal fee based on the percentage of the immigration bond, but that a one-time fee is charged for the life of the bond. Under an asterisk, the client was informed that a yearly management fee of \$245.00 is charged. Respondent identified six immigration bonds written between July 1, 2013 and July 31, 2016 where a yearly management fee was charged. Respondent was in fact charging an annual fee and this referenced website information was misleading.

3. Respondents violated Utah Code Section 31A-23a-402 and Utah Administrative Code R590-154.5, which prohibited using any business name likely to be misleading or deceptive or that implies association with any organization where actual bona fide association or connection does not exist, when Respondent represented on its website that Action International Insurance was its parent company, when it was not.

4. Under the circumstances, an Administrative forfeiture in the amount of \$18,000.00 to be paid to the Department over six months is appropriate.

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

**ORDER**

1. Respondent is hereby ordered to pay an administrative forfeiture in the amount of \$18,000.00 in six monthly payments of \$3,000.00 each. The first \$3,000.00 payment shall be paid before June 1, 2017, with successive monthly payments being made before the first of each month. The final \$3,000.00 payment shall be paid before November 1, 2017.

DATED this 28<sup>th</sup> day of April, 2017.

TODD E. KISER  
Insurance Commissioner

  
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Lisa W. Baskin, J.D.  
Presiding Officer

**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.