

GARY D. JOSEPHSON #5299  
Assistant Attorney General  
SEAN D. REYES #7969  
Attorney General  
Attorneys for Utah Ins. Dept.  
PO Box 140874  
Salt Lake City, UT 84114  
Telephone: 801-366-0375  
Email: [gjosephson@agutah.gov](mailto:gjosephson@agutah.gov)

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

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UTAH INSURANCE DEPARTMENT,  
  
Complainant,  
  
v.

UNIVERSAL FIRE & CASUALTY  
INSURANCE COMPANY  
3214 Chicago Drive  
Hudsonville, MI 49426  
NAIC No. 32867

Respondent.

**STIPULATION AND ORDER**

Docket No. 2017-086 PC  
Enf. Case No. 3936

Lisa Watts Baskin, J.D.  
Administrative Law Judge

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**STIPULATION**

The Utah Insurance Department ("Department"), by and through its legal counsel, and Universal Fire & Casualty Insurance Company ("Respondent"), by and through its authorized representative, hereby stipulate and agree as follows:

1. Respondent is an active property and casualty insurer, with authority to conduct bail bond business in the State of Utah under NAIC No. 32867. Respondents' business address is 3214 Chicago Drive, Hudsonville, Michigan, 49426.

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 28th day of September, 2017



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Brian M. Lietzke, Vice President  
UNIVERSAL FIRE & CASUALTY INSURANCE  
COMPANY

Dated this 28<sup>th</sup> day of September, 2017

  
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Gary D. Josephson, Assistant Attorney General  
UTAH INSURANCE DEPARTMENT

Based upon the foregoing Stipulation and Department file, the Administrative Law Judge makes the following Findings of Fact:

**FINDINGS OF FACT**

1. On February 6, 2017, Respondent entered into a contract with a Utah bail bond agency, which Respondent then properly appointed. The agency immediately began using Respondent's Appearance Bond form to conduct bail bond business in the State.
2. On March 20, 2017, the Department notified Respondent that its bail bond forms had not been filed with the Department as required. Respondent immediately notified the agency to stop using the forms until they had been filed and approved for use by the Department.
3. Respondent provided the Department with a list of forty-six bail bonds that were written before the bail bond forms were approved.
4. On April 3, 2017, Respondent submitted their bail bond forms to the Department, with a certification that they were compliant with Utah law. On April 7, 2017, the Department determined that two of the forms were not in compliance and notified Respondent. The non-compliant forms were resubmitted by Respondent and were approved for use on April 20, 2017.
6. The Department and Respondent have agreed to an administrative forfeiture in the amount of \$7,500.00.

Based upon the foregoing Stipulation and Findings of Fact, the Administrative Law Judge enters the following Conclusions of Law:

**CONCLUSIONS OF LAW**

1. Utah Code Sections 31A-21-201 and 31A-35-607 requires that, before being used in any bail bond insurance business, a surety insurer must file with the commissioner a copy of all bail bond forms that the bail bond agency or surety insurer will be using. Respondent violated these referenced statutes when it failed to file its bail bond forms with the Department before forty-six bail bonds were written.

2. Utah Code Section 31A-23a-402 prohibits an insurer from making any false or misleading communication. This statute was violated when, in filing its bail bond forms with the Department, Respondent certified that the forms were in compliance with Utah law, when in fact, it was determined that two of the filed forms were not in compliance and needed to be resubmitted.

3. An Administrative forfeiture in the amount of \$7,500.00 is appropriate under the circumstances of this case.

Based on the foregoing Findings and Fact and Conclusions of Law, the Administrative Law Judge enters the following Order:

**ORDER**

1. Respondent is hereby ordered to pay an administrative forfeiture in the amount of \$7,500.00 to the Department within thirty days of the signing date of this Order.

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

TODD E. KISER  
Insurance Commissioner

Lisa Watts Baskin  
LISA WATTS BASKIN, J.D.  
Administrative Law Judge  
Utah Insurance Department

**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.