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

<p>UTAH INSURANCE DEPARTMENT, Complainant, v. AGGRESSIVE INSURANCE, Respondent.</p>	<p>STIPULATION AND ORDER</p> <p>Docket No. 2018-012 PC Enf. Case No. 3962</p> <p>Lisa Watts Baskin, J.D. Administrative Law Judge</p>
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STIPULATION

The Utah Insurance Department (“Department”), by and through its legal counsel, and Aggressive Insurance (“Respondent”), by and through its legal counsel, hereby stipulate and agree as follows:

1. The Department has jurisdiction over the parties and subject matter of this administrative action.
2. 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.
3. Respondent is represented by legal counsel in this matter.

4. 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.

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

6. The issuance of the signed and adopted Order proposed below is solely for disposing of the specific matter entitled herein.

7. The only promises, agreements and understandings that the parties have regarding this matter are contained in this Stipulation.

8. Respondent enters into this Stipulation voluntarily, knowingly, and free from any coercion of any kind.

9. 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 11th day of April, 2018

/s/ Allison Hahn

Allison Hahn, Legal Specialist
CONFIE

Dated this 11th day of April, 2018

/s/ Helen A. Frohlich

Helen A. Frohlich, 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. Respondent, Aggressive Insurance, is a non-resident producer organization holding license number 329719.
2. Respondent's mailing address is 4500 Fuller Drive Suite 400, Irving, Texas 75038.
3. Between August 30, 2017 through October 30, 2017, Respondent was investigating a claim made by an individual whose vehicle was deemed a total loss.
4. Respondent's communications with the claimant did not specify a day or time limit to remove the vehicle from storage. Claimant incurred excess storage and tow fees.
5. The vehicle owner made a complaint to the Department, after which Respondent paid the excess storage and tow fees.
6. On January 24, 2018, Respondent notified the Department that it was no longer doing business in Utah, and desired to surrender its license.
7. The Department and Respondent have agreed to an administrative forfeiture of \$2,000.00, and the voluntary surrender of Respondent's Utah license.

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

CONCLUSIONS OF LAW

1. Utah Administrative Code R590-190-11(12) provides that an insurer shall provide reasonable written notice to a claimant prior to termination of payment for automobile storage charges, and thereby allow reasonable time for the claimant to remove the vehicle from storage prior to the termination of payment.

2. Respondent failed to provide the claimant written notice as described above and a date certain on which it would terminate storage payments.

3. An administrative penalty of \$2,000.00 is appropriate under the circumstances.

4. Respondent is no longer doing business in Utah and the voluntary surrender of its license is appropriate.


ORDER

1. Respondent, Aggressive Insurance, is hereby assessed an administrative penalty of \$2,000.00 to be paid to the Department with 30 days of the date this Order is signed.

2. Respondent's voluntary surrender of its Utah license, number 329719, is accepted.

DATED this 18th day of April, 2018.

TODD E. KISER
Insurance Commissioner



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.

CERTIFICATE OF MAILING

I hereby certify that on this date, a true and correct copy of the foregoing **STIPULATION AND ORDER** was sent, via U.S Mail and/or electronic mail, to the following:

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DATED this 18th day of April, 2018.



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