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

<p>UTAH INSURANCE DEPARTMENT, Complainant, v. BRETT R. JOHNSON, Respondent.</p>	<p>STIPULATION AND ORDER</p> <p>Docket No. 2018-011 PC</p> <p>Enf. Case No. 3963</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 Brett R. Johnson (“Respondent”), 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 aware of his 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.

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 the purpose of 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 13th day of February, 2018

/s/ Brett R. Johnson

Brett R. Johnson
RESPONDENT

Dated this 13th day of February, 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 is an active resident producer individual holding license number 79123. Respondent's business address is 6968 S Park Trail Way #301, Midvale, UT 84047.
2. Respondent has three tax liens against him: Case No. 086500179 for the 2005 tax year; Case No. 116500646 for the 2006 tax year; and Case No. 116500531 for the 2007 tax year.
3. On January 19, 2018, Respondent provided the Department a copy of a payment agreement between the Utah State Tax Commission and Respondent providing for a 12 month payment program, which if adhered to, may satisfy the tax debt.
4. The Department and Respondent have agreed to an administrative penalty of probation for a 12 month period.

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 Section 31A-23a-111 provides that a license may be revoked, suspended, limited or terminated if a licensee fails to pay state income tax or comply with an administrative or court order directing payment of state income tax.
2. Utah Code Section 31A-23a-112 gives the commissioner authority to place a licensee on probation for a period not to exceed 24 months for circumstances that would justify suspension under Section 31A-23a-111.
3. Probation for a period of 12 months is appropriate under the circumstances.


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

ORDER

1. Respondent is hereby placed on probation for a period of 12 months beginning the date this order is signed.
2. Respondent shall comply with the terms of the payment agreement entered into with the Utah State Tax Commission, and shall provide to the Department quarterly tax payment reports.
3. At the end of the probation period, a review will be made to determine whether Respondent's taxes are paid in full.

DATED this 15th day of February, 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

The undersigned hereby certifies that on this date, a true and correct copy of the foregoing **STIPULATION AND ORDER** was regularly mailed and electronically mailed to the following:

**BRETT R. JOHNSON
6968 S. PARK TRAIL WAY #301
MIDVALE, UT 84047**

Email: eaglefia@yahoo.com

Dated this 15th day of February, 2018



Jill White
Utah Insurance Department
State Office Building, Room 3110
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