
BEFORE THE UTAH INSURANCE COMMISSIONER

UTAH INSURANCE DEPARTMENT,

Complainant,

vs.

Benjamin T. Larson
1721 E Mill Lane
Salt Lake City UT 84106-3221
benlarson71@gmail.com,

Respondent.

NOTICE OF AGENCY ACTION AND
ORDER

Docket No. 2018-4025

Lisa Watts Baskin
Presiding Officer

NOTICE OF AGENCY ACTION

The Utah Insurance Department (“the Department”) commences this agency action against Benjamin T. Larson (“Respondent”) pursuant to Utah Code §§ 31A-2-201 and 63G-4-201 through 63G-4-203 and Utah Admin. Code R590-160.

This agency action is based on the facts and law set forth in the attached Declaration and is designated as an informal adjudicative proceeding pursuant to Utah Code § 63G-4-202(1) and Utah Admin Code R590-160-4 and R590-160-7.

ORDER

Based on the facts and the law set forth in the attached Declaration, and good cause appearing, the Utah Insurance Commissioner orders as follows:

1. Respondent’s Individual Producer License No. 556035 is hereby revoked.
2. Pursuant to Utah Code § 63G-4-203(1)(i) and Utah Admin. Code R590-160-7(1), this informal adjudicative proceeding shall be deemed closed, and this Order shall become final and

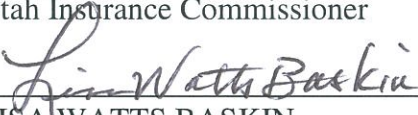
take full effect, 15 days after this Notice of Agency Action and Order is emailed to Respondent unless a request for a hearing on this matter is received from Respondent prior to that date.

3. A request for a hearing shall be sent by email to uidadmincases@utah.gov or by U.S. mail to Office of the Administrative Law Judge, Utah Insurance Department, 3110 State Office Building, Salt Lake City, UT 84114. The request for hearing shall be signed by the person making the request and shall state the basis for the relief requested.

4. If you fail to request a hearing, you will be bound by this Order. Failure to request a hearing will be deemed a failure to exhaust administrative remedies and will preclude any further administrative or judicial review or appeal of this matter.

DATED this 22nd day of August, 2018

TODD E. KISER
Utah Insurance Commissioner



LISA WATTS BASKIN

Presiding Officer
Utah Insurance Department
3110 State Office Building
Salt Lake City, UT 84114
801-538-3800
uidadmincases@utah.gov

NOTICE REGARDING ENFORCEMENT OF THE ORDER

Failure to obey the Order may subject you to further penalties that include forfeitures of up to \$2,500 per violation, license suspension or revocation, further enforcement action before the Utah District Court where forfeitures of up to \$10,000 may be imposed. If you are licensed in other jurisdictions, you may be required to report this proceeding to those jurisdictions.

DECLARATION

Under criminal penalty of Utah law, I, Adam Martin, declare the following:

1. I am currently employed as a market conduct examiner with the Utah Insurance Department (“the Department”) where my responsibilities include investigating and enforcing Utah insurance laws.
2. I submit this Declaration as the basis for issuing the Notice of Agency Action and Order to which this Declaration is attached.
3. Respondent Benjamin T. Larson currently holds an individual producer license issued by the Department.
4. Based on my personal knowledge and/or based on the facts appearing in the Department’s records and files, Respondent engaged conduct that resulted in the following violations of Utah law.

COUNT 1

5. During an audiotaped interview conducted by Adam Martin and Cherrie Roberts, on July 17, 2018 at the Utah Insurance Department, Respondent admitted that, for personal gain, he wrote four commercial insurance policies for entities that he knew did not exist.
6. By writing those policies Respondent violated the following statutes:
 - a) Utah Code §31A-23a-111(5)(b)(xiii) which prohibits intentional misrepresentation of the terms of an actual application for insurance.
 - b) Utah Code §31A-23a-402(1)(a)(i), which prohibits providing false and misleading information relating to an insurance product or contract.

COUNT 2

7. Respondent paid a portion of the premium due on a term life insurance policy that he sold to a client.

8. During an audiotaped interview, Respondent admitted to paying a partial premium with his own personal funds.

9. By paying a portion of the premium the Respondent violated Utah Code §31A-23a-402.5(5)(a)(i) which prohibits a licensee from paying for premiums on behalf of an insured.

RELIEF SOUGHT

Based on the facts, and the law set forth above, and in the Order DKT 2010-077-LC (attached), the Respondent's individual producer license should be revoked.

DATED this 22 day of August 2018.



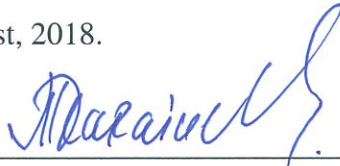
Adam Martin, Market Conduct Examiner
Utah Insurance Department

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this date a true and correct copy of the foregoing Notice of Agency Action and Order, with the Declaration attached to it was emailed and mailed to:

Benjamin T. Larson
1721 E Mill Lane
Salt Lake City UT 84106-3221
benlarson71@gmail.com

DATED this 22nd day of August, 2018.



Tatiana Karaivanova
Utah Insurance Department
3110 State Office Building
Salt Lake City, UT 84114
801-538-3800

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UTAH STATE
INSURANCE DEPT

M. GALE LEMMON #4363
Assistant Attorney General
MARK L. SHURTLEFF #4666
Attorney General
Attorneys for Utah Insurance Department
State Office Building, Room 3110
Salt Lake City, UT 84114
Telephone (801) 538-3872

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

COMPLAINANT:
UTAH INSURANCE DEPARTMENT

STIPULATION
&
ORDER

RESPONDENTS:
JULIO A. BRICENO
License No. 206529
BRICENO INSURANCE AGENCY
License No. 278362
8813 S. Redwood Rd., Unit D2
West Jordan, UT 84088

Docket No. 2010-077-LC
Enf. Case No. 2546

STIPULATION

1. Respondent Julio A. Briceno ("Briceno"), is a licensed individual resident insurance producer in the State of Utah, License No. 206529.
2. Respondent Briceno Insurance Agency ("the Agency"), is a resident insurance producer in the State of Utah, License No. 278362, and is owned by Respondent Briceno, who is designated on the Agency's license.
3. Respondents stipulate with the Complainant, Utah Insurance Department, as follows:
 - a. If a hearing were held, witnesses called by the Complainant could offer and

introduce evidence that would support the Findings of Fact herein;

b. Respondents admit the Findings of Fact and Conclusions made therefrom;

c. Respondents stipulate to the summary entry of the Order herein which shall be in lieu of other administrative proceedings by Complainant in this matter; and

d. Respondents and Complainant have negotiated the terms of the Order entered herein and Respondents agree to its entry and further agree to be bound by all its terms.

3. Respondents are aware of their right to a hearing at which they may be represented by counsel, present evidence and cross-examine witnesses. Respondents have irrevocably waived their right to such hearing and to any appeal related thereto.

4. Respondents admit the jurisdiction of the State of Utah Insurance Commissioner as to all matters herein.

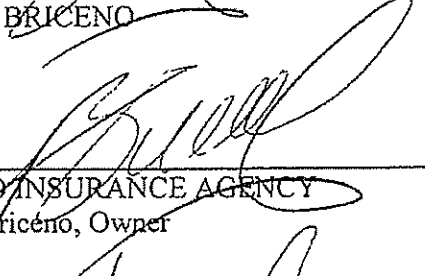
5. Respondents are acting herein free from any duress or coercion of any kind or nature, having been advised fully as to their rights set forth herein.

6. Respondents acknowledge that the issuance of this Order by the Commissioner is solely for the purpose of disposition of the matter entitled herein.

DATED this 26th day of JULY, 2010.



JULIO A. BRICENO



BRICENO INSURANCE AGENCY
Julio A. Briceno, Owner



UTAH INSURANCE DEPARTMENT
M. Gale Lemmon, Assistant Attorney General

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

FINDINGS OF FACT

1. During September 2007, Respondent Briceno submitted at least 37 applications for policies of life insurance on residents of the State of Utah to insurers that are a part of the Farmers Insurance Group.

2. The purported applicants did not complete these applications or even know of the applications being submitted on their lives.

3. Respondent Briceno forged the signatures of the applicants on the applications, intending to deceive the insurers in regard to the true nature of these applications for the purpose of meeting production quotas.

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

CONCLUSIONS OF LAW

1. Respondent Briceno's actions were in violation of Utah Code Annotated §§ 31A-23a-402(1)(a)(i), making a communication that contains false or misleading information relating to an insurance policy, and demonstrates that he fails to meet the character requirements to hold an insurance producer's license under Utah Code Annotated § 31A-23a-107(2) of being competent and trustworthy.

2. Pursuant to Utah Code Annotated § 31a-23a-302(7), the actions of Respondent Briceno were also the actions of the Agency.

3. The Respondents' insurance licenses should be revoked pursuant to Utah Code Annotated § 31a-23a-111(5)(b)(i), is unqualified for a license; -111(5)(b)(ii)(A), has violated an insurance statute; -111(5)(b)(xvi), in the conduct of business uses fraudulent or dishonest practices or demonstrates untrustworthiness; -111(5)(b)(xviii), forges another's name to an application for insurance; and -111(5)(b)(xxiv), engages in methods or practices in the conduct of business that endangers the legitimate interests of his customers and the public.

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. The insurance licenses of Respondents Julio A. Briceno and Briceno Insurance Agency are revoked forthwith.
2. Respondents shall immediately cease doing any insurance business in the State of Utah.


NOTIFICATION

Respondents are hereby notified that failure to abide by the terms of this Order may subject you to further penalties, including additional forfeitures of up to \$5,000.00 per violation and the filing of an action to enforce this Order in the District Court, which may impose penalties of up to \$10,000.00 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.

DATED this 27th day of JULY, 2010.

NEAL T. GOOCH
INSURANCE COMMISSIONER


MARK E. KLEINFELD, Esq.
Administrative Law Judge
Utah Insurance Department
State Office Building, Room 3110
Salt Lake City, Utah 84114
Telephone (801) 538-3800

CERTIFICATE OF MAILING

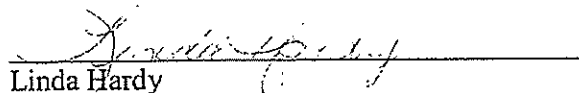
I do hereby certify that on this date I mailed, by regular mail, postage prepaid a true and correct copy of the attached:

STIPULATION
&
ORDER

To the following:

Julio A. Briceno
Briceno Insurance Agency
8813 S. Redwood Rd., Unite D2
West Jordan, Utah 84088

DATED this 27th day July, 2010



Linda Hardy
Utah Department of Insurance
State Office Building, Room 3110
Salt Lake City, UT 84114-6901