



## State of Utah

GARY R. HERBERT  
*Governor*

SPENCER J. COX  
*Lieutenant Governor*

## Insurance Department

TODD E. KISER  
*Insurance Commissioner*

December 19, 2016

### PUBLIC LETTER OF ADMONITION

Jonathan A. Reed  
Assistant Corporate Counsel  
Arthur J. Gallagher & Co.  
545 Metro Place Ste. 150  
Dublin, OH 43017

[Jon\\_Reed@ajg.com](mailto:Jon_Reed@ajg.com)

Re: Investigation # 68081, Gallagher Benefit Services, Inc.

Dear Mr. Reed:

Based on information contained in Utah Insurance Department files, Gallagher Benefit Services, Inc. (Gallagher) is hereby issued this Public Letter of Admonition for failure to meet the requirements set forth in 31A-23a-103 and 31A-23a-402.

#### ***31A-23a-103 Requirement of license.***

*(1)(a) Unless exempted from the licensing requirement under Section 31A-23a-201 or 31A-23a-207, a person may not perform, offer to perform, or advertise any service as a producer, surplus lines producer, limited line producer, consultant, managing general agent, or reinsurance intermediary in Utah, without a valid individual or agency license issued under this chapter.*

#### ***31A-23a-402 Unfair marketing practices -- Communication -- Unfair discrimination -- Coercion or intimidation -- Restriction on choice.***

*(1)(a)(i) Any of the following may not make or cause to be made any communication that contains false or misleading information, relating to an insurance product or contract, any insurer, or any licensee under this title, including information that is false or misleading because it is incomplete:*

*(A) a person who is or should be licensed under this title*

In November 2016, the Department received a complaint that Gallagher distributed marketing materials to a potential client in Utah. The marketing materials in question referred to an individual producer as a consultant; however, that individual is not a licensed insurance consultant. The materials violated Utah law because they were misleading and advertised an individual as a licensee when that person was not licensed as a consultant.

Gallagher was notified of the violation and has assured the Department the marketing materials have been updated. Additionally, the individual producer will seek their insurance consultant license in the future.

At this time, the forfeiture of \$7,000 is waived on the condition that all marketing materials are updated and no further violations of this nature occur.

This letter is public and will be posted to our website, [www.insurance.utah.gov](http://www.insurance.utah.gov). It is not considered an administrative action and is not required to be reported to other regulatory agencies.

Evidence of any similar activities in the future may be just cause for commencement of an administrative proceeding that may result in the imposition of sanctions or penalties against you.

Any questions regarding this letter should be directed to Jen Christian at [jchristian@utah.gov](mailto:jchristian@utah.gov) or 801.538.3172, referencing Investigation # 68081.

Sincerely,

TODD E. KISER  
UTAH INSURANCE COMMISSIONER



By: Suzette D. Green-Wright  
Director, Market Conduct Division