

M. GALE LEMMON #4363
Assistant Attorney General
MARK L. SHURTLEFF #4666
Attorney General
Attorneys for Utah Insurance Department
160 East 300 South, Fifth Floor
P.O. Box 140874
Salt Lake City, UT 84114-0874
Telephone (801) 366-0375

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

COMPLAINANT:

UTAH INSURANCE DEPARTMENT

RESPONDENT:

DANIEL LEE FINLAY
5959 Heavy Cloud Cir.
Herriman, UT 84096
License No. 309718

**STIPULATION
&
ORDER**

Docket No. 2011-067-LC

Enf. Case No. 2779

STIPULATION

1. Respondent, Daniel Lee Finlay, is a licensed insurance agent in the State of Utah, holding License No. 309718.
2. Respondent stipulates 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. Respondent neither admits nor denies the Findings of Fact and

Conclusions made therefrom;

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

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

3. Respondent is aware of his right to a hearing at which he may be represented by counsel, present evidence and cross-examine witnesses. Respondent has irrevocably waived his right to such hearing and to any appeal related thereto.

4. Respondent admits the jurisdiction of the State of Utah Insurance Commissioner as to all matters herein.

5. Respondent is acting herein free from any duress or coercion of any kind or nature, having been advised fully as to his rights set forth herein.

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

7. In consideration of the entry of this Stipulation and Order, Respondent Daniel Lee Finlay hereby surrenders the insurance license of Forethought Innovations, LLC, License No. 368902.

DATED this 21st day of July, 2011.



DANIEL LEE FINLAY



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. The Respondent, Daniel Lee Finlay, is a licensed resident insurance producer in the State of Utah, License No. 309718, originally licensed on February 18, 2009.

2. Prior to January 24, 2011, Respondent used Forethought Innovations LLC (“Forethought”) as an insurance producer by publishing a website at www.forethoughtinnovations.com. Forethought is a limited liability company organized and owned by the Respondent and registered in the State of Utah on June 23, 2010.

3. At all times relevant herein, Forethought Innovations LLC was not licensed as an insurance producer in the State of Utah, and did not receive a license as an insurance producer until January 24, 2011.

4. Respondent listed information regarding a health discount program, Careington International Corporation, on the web site when Respondent was not licensed as a health discount program in Utah.

5. On November 17, 2010, Respondent used SIRCON to incorrectly alter the name on his individual license records to “First Name: Forethought Innovations, Middle Name: in care of, Last Name: Daniel L. Finlay.”

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

CONCLUSIONS OF LAW

1. In utilizing the services of an unlicensed entity to market insurance, Respondent violated Utah Code Annotated § 31A-23a-103(1)(c).

2. In advertising a health discount program on a website, Respondent operated a health discount program under 31A-8a-102(4)(d) prior to being licensed, and in operating a health discount program in Utah without being licensed, violated Utah Code Annotated § 31A-8a-201.

3. In making an incorrect change to the name on his individual license to the name of an entity, Respondent violated Utah Code Annotated §§ 31A-23a-402(1)(a) and 31A-2-202(6).

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 surrender of the license of Forethought Innovations, LLC is hereby accepted.

2. Respondent's license is placed on probation for a period of 24 months, beginning with the date of this Order. The terms of probation are:

- a. Respondent shall have no further violations of the Utah Insurance Code or Rules or of any order of the commissioner.
- b. During the term of the probation, Respondent shall be employed in the insurance business by a licensee of the department and shall be supervised in his insurance activities by a licensed agent (acceptable to the department) who has agreed in writing to supervise the Respondent's insurance activities during probation.
- c. During the term of the probation, Respondent shall not own or independently operate an insurance agency in the State of Utah.

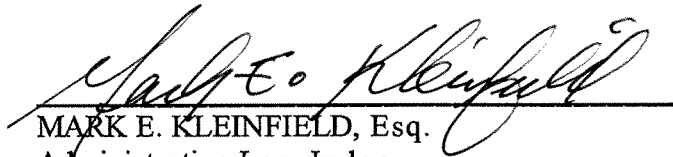
NOTIFICATION

Respondent is hereby notified that failure to abide by the terms of this Order may subject him to further penalties, including additional forfeitures of up to \$2,500.00 per violation and the suspension or revocation of his license, 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.

Respondent is further notified that other jurisdictions in which Respondent may be licensed may require that Respondent report this action to them.

DATED this 26th day of July, 2011.

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



Insurance Department

State of Utah

GARY R. HERBERT
Governor

GREG BELL
Lieutenant Governor

NEAL T. GOOCH
Commissioner

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:

**Daniel Lee Finlay
5959 Heavy Cloud Cir.
Herriman, UT 84096**

DATED this 26th day of July, 2011

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