

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

RECEIVED
AUG 22 2011
UTAH STATE
INSURANCE DEPT.

BEFORE THE INSURANCE COMMISSIONER
OF THE STATE OF UTAH

COMPLAINANT:

UTAH INSURANCE DEPARTMENT

RESPONDENT:

THE HUNTER GROUP, LLC
359 EAST MAIN, SUITE 1
AMERICAN FORK, UT 84003
License No. 4988

STIPULATION AND ORDER

Docket No. 2011-168 PC

Enf. Case No. 2927

STIPULATION

1. Respondent, The Hunter Group, LLC is a resident agency in the State of Utah holding license number 4988.
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 admits 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 its right to a hearing at which it may be represented by counsel, present evidence and cross-examine witnesses. Respondent has irrevocably waived its 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.

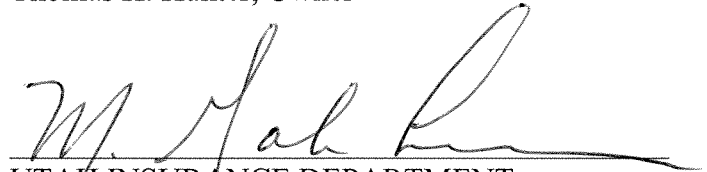
5. Respondent is acting herein free from any duress or coercion of any kind or nature, having been advised fully as to its rights set forth herein.

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

DATED this 10th day of AUGUST, 2011.



THE HUNTER GROUP LLC
Thomas H. Hunter, 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. An employee of Respondent, The Hunter Group LLC, posted an advertisement in a local sandwich shop offering a \$20 gift card to the shop or two movie tickets in exchange for a quote and sale.
2. The ad was posted for approximately one year.
3. There were no quotes and sales as a result of this advertisement.
5. When Respondent was notified of the violation, it quickly pulled the ad and has agreed to an administrative forfeiture of \$500.00.

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

CONCLUSIONS OF LAW

1. Utah Administrative Code R590-154-11 states:
 - A. A licensee may not give or offer to give any prizes, goods, wares, merchandise or item of value as an inducement to enter into any insurance or annuity contract or as an inducement to receive a quote, submit an application or in connection with any other solicitation for the sale of an insurance or annuity contract. However, anything with an acquisition cost of \$3.00 or less shall not be considered an inducement.
 - B. Subsection A of this section does not prohibit the giving of promotional gifts or merchandise that is generally available to the public and not given in a manner to constitute an inducement to receive a quote or other solicitation or to purchase any insurance or annuity contract, nor does it prohibit insurers from providing sales incentives to producers.
 - C. This section does not prohibit the usual kinds of social courtesies as long as they are not related to a particular transaction as stated in Subsection 31A-23a-402(2)(a). If the receiving of the

social courtesy is dependent on obtaining a quote, submitting an application or purchasing a policy or contract, it is related to a particular transaction.

D. This section does not apply to title insurers or producers. Rule R590-153 is the applicable rule for the marketing of title insurance.

2. Respondent violated the above provision by offering a gift card or movie tickets for a quote and sale.

3. An administrative forfeiture in the amount of \$500.00 is appropriate under the circumstances of this case.

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

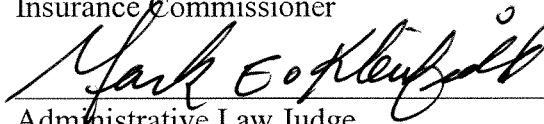
ORDER

IT IS HEREBY ORDERED:

Respondent The Hunter Group LLC is hereby assessed an administrative forfeiture in the amount of \$500.00 to be paid to the Department within 30 days from the date of this Order.

DATED this 23rd day of August, 2011.

NEAL T. GOOCH
Insurance Commissioner



Administrative Law Judge
Utah Insurance Department
State Office Building Room 3110
Salt Lake City, UT 84114
Telephone 801-538-3800

NOTIFICATION

You are hereby notified that a failure to obey an Order of 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

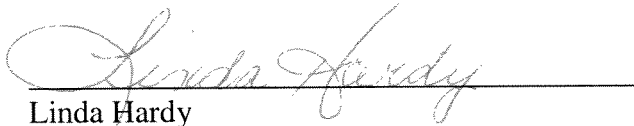
I do hereby certify that on this date I mailed, by regular mail postage prepaid, a true and correct copy of the attached:

STIPULATION
&
ORDER

To the following:

The Hunter Group, LLC
359 East Main, Suite 1
American Fork, UT 84003

DATED this 23rd day of August, 2011

A handwritten signature in cursive script, reading "Linda Hardy", is written over a horizontal line.

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

**UTAH
Invoice**

Printed Date: August 23, 2011

Invoice Date: August 23, 2011
Balance Due: \$500.00
Due Date: September 23, 2011
Invoice ID: 526944

THE HUNTER GROUP LLC
359 EAST MAIN ST
SUITE 1
AMERICAN FORK UT 84003

Item Description	Amount
Monetary Penalty Agency	\$500.00
Original Amount Due	<u>\$500.00</u>
Payments Received	
	<u>Balance Due</u>

**UTAH
Invoice**

Printed Date: August 23, 2011

Invoice Date: August 23, 2011
Balance Due: \$500.00
Due Date: September 23, 2011
Invoice ID: 526944

Make checks payable to: Utah Insurance Department

Send payment to:

Utah Insurance Department
3110 State Office Building
Salt Lake City, UT 84114-6901