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Salt Lake City, UT 84114-0874

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BEFORE THE INSURANCE COMMISSIONER  
OF THE STATE OF UTAH

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**COMPLAINANT:**

UTAH INSURANCE DEPARTMENT

**RESPONDENTS:**

UNICARE LIFE & HEALTH INSURANCE  
COMPANY  
120 Monument Circle  
Indianapolis, IN 46204  
NAIC ID 80314

**STIPULATION AND ORDER**

Docket No. 2010-180 HL

Enf. Case No. 2733

RECEIVED

JAN 05 2011

UTAH STATE  
INSURANCE DEPT

**STIPULATION**

1. Respondent, Unicare Life & Health Insurance is a foreign insurance company holding a Certificate of Authority for conducting insurance business in the State of Utah.

3. 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 22 day of DECEMBER, 2010.

  
UNICARE LIFE & HEALTH INSURANCE  
COMPANY  
Dennis Casey, President

  
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. Respondent, Unicare Life & Health Insurance Company, is a foreign insurance company with a Certificate of Authority to conduct insurance business in the State of Utah.

2. Respondent failed to pay its renewal fee of \$1,475.00 due on January 31, 2010, thereby failing to renew its Certificate of Authority for 2010 with the Utah Insurance Department.

3. Respondent paid its past due renewal fee plus a late fee on September 22, 2010.

4. During the period of lapse, from January 31, 2010 through September 22, 2010, Respondent continued to do business in Utah.

5. From January 1, 2010 through June 30, 2010, Respondent received \$5,640.535.00 in Utah direct premiums.

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

**CONCLUSIONS OF LAW**

1. Utah Code Ann § 31A-4-102(1) states as follows:

(1) A person may not conduct an insurance business in Utah in person, through an agent, through a broker, through the mail, or through another method of communication except:

(a) an insurer:

(i) authorized to do business in Utah under Chapter 5,7,8,9,10,11,13, or 14; and

(ii) within the limits of its certificate of authority.

2. Respondent violated Utah Code Ann. § 31A-4-102(1) by continuing to conduct business without a Certificate of Authority during the period January 31, 2010 through September 22, 2010.

3. An administrative forfeiture in the amount of \$4,000.00 is appropriate under the circumstances.

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

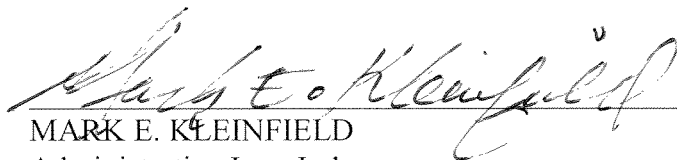
**ORDER**

**IT IS HEREBY ORDERED:**

1. Respondent, Unicare Life & Health Insurance Company, is hereby assessed a forfeiture in the amount of \$4,000.00 to be paid to the Utah Insurance Department withing 30 days of issuance of this Order.

DATED this 11 day of January, ~~2010~~ <sup>2011</sup>.

NEAL T. GOOCH  
Insurance Commissioner



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

CERTIFICATE OF MAILING

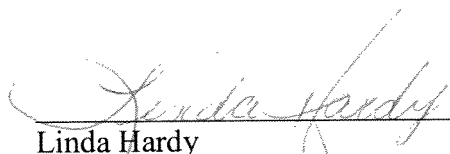
I do hereby certify that on this date I mailed, by regular mail postage prepaid, a true and correct copy of the attached:

STIPULATION  
&  
ORDER

To the following:

Unicare Life & Health Insurance Company  
120 Monument Circle  
Indianapolis, IN 46204

DATED this 11<sup>th</sup> day of January, 2011

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

**UTAH  
Invoice**

Printed Date: January 11, 2011

Invoice Date: December 21, 2010  
Balance Due: \$0.00  
Due Date: January 22, 2011  
Invoice ID: 492965

UNICARE LIFE HEALTH INSURANCE COMPANY  
120 MONUMENT CIRCLE  
INDIANAPOLIS IN 46204

<b>Item Description</b>	<b>Amount</b>
Monetary Penalty Company	\$4,000.00
<b>Original Amount Due</b>	<b>\$4,000.00</b>
<b>Payments Received</b>	
1/5/2011 Check	\$4,000.00
<b>Balance Due</b>	<b>\$0.00</b>

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**UTAH  
Invoice**

Printed Date: January 11, 2011

Invoice Date: December 21, 2010  
Balance Due: \$0.00  
Due Date: January 22, 2011  
Invoice ID: 492965

Make checks payable to: Utah Insurance Department

Send payment to:

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