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## BEFORE THE INSURANCE COMMISSIONER OF THE STATE OF UTAH

|                                      |   |   |
|--------------------------------------|---|---|
| <b>COMPLAINANT:</b>                  | : | <b>NOTICE OF INFORMAL<br/>ADJUDICATIVE PROCEEDING<br/>AND ORDER</b> |
| UTAH INSURANCE DEPARTMENT            | : |   |
| <b>RESPONDENT:</b>                   | : |   |
| SECURITY NATIONAL LIFE INSURANCE CO. | : | DOCKET No. <u>2010-137 EX</u>                                       |
| P.O. Box 57220                       | : |   |
| Salt Lake City, UT 84157-0220        | : | Enf. Case No. <u>2669</u>   |
| Utah Org. Id. No. 735                | : |   |

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The Utah Insurance Department has commenced this informal adjudicative proceeding pursuant to Utah Code Annotated §§ 31A-2-201 and 63G-4-201 and Utah Administrative Code Rule R590-160. Based upon information contained in agency files or known to the Commissioner, the Commissioner makes the following:

### FINDINGS OF FACT

1. Respondent, Security National Life Insurance Company is an insurer domiciled in and authorized to do the business of insurance in the State of Utah, Utah Organization Identification Number 735.
2. The Department conducted an examination of the Respondent's financial condition as of December 31, 2008.

3. In connection with that examination, the Department provided the Respondent with a detailed account of costs and invoiced the Respondent for the Department's examination costs pursuant to Utah Code Annotated § 31A-2-205(1) as set forth below.

4. The invoice aging for the examination expenses billed to the Respondent by the Department is as follows:

| <u>Invoice Date</u> | <u>Invoice No.</u> | <u>Amount</u> | <u>Paid Date</u> | <u># Days Outstanding</u> |
|---------------------|--------------------|---------------|------------------|---------------------------|
| 09/16/2009          | 430540             | \$16,274.47   | 01/20/2010       | 126                       |
| 09/17/2009          | 430548             | 113.12        | 01/20/2010       | 125                       |
| 10/13/2009          | 431356             | 6,692.36      | 01/20/2010       | 99                        |
| 11/16/2009          | 435235             | 8,062.94      | 01/20/2010       | 65                        |
| 12/17/2009          | 441765             | 4,307.88      | 01/20/2010       | 34                        |
| 01/13/2010          | 444442             | 475.35        | 03/29/2010       | 75                        |
| 02/16/2010          | 451320             | 10.50         | 03/31/2010       | 43                        |

5. Department personnel had several conversations with the Respondent about payment of the invoices, yet payment was delayed beyond the time period required by law.

Having entered his Findings of Fact, the Commissioner now enters his:

#### **CONCLUSION OF LAW**

1. Payment for reimbursement of Department expensed in an examination is required within 10 days after the examinee is served with a detailed account of the costs under Utah Code Annotated § 31A-2-205(5)(a).

2. In failing to pay the examination invoices within 10 days after the date of the invoice, Respondent violated Utah Code Annotated § 31A-2-205(5)(a).

3. A forfeiture of \$1,500.00 is appropriate for each 30 days payment of an invoice was delayed beyond the date due.

Based upon the foregoing Findings of Fact and Conclusions of Law, the Commissioner now enters the following:

**ORDER**

**IT IS HEREBY ORDERED:**

1. Respondent is assessed an administrative forfeiture in the amount of \$15,000.00. Said forfeiture shall be paid no later than ten (10) days after the date this Order becomes final.

2. This Order shall become final fifteen (15) days after the date of mailing unless a written request for a hearing is received from the Respondent in the offices of the department prior to that date. A written request for a hearing shall be signed by the person making the request and shall state the basis for the relief requested.

**NOTIFICATION**

If you request a hearing regarding this matter, the department will be represented by M. Gale Lemmon, Assistant Attorney General, 160 East 300 South, Fifth Floor, P.O. Box 140874, Salt Lake City, Utah 84114-0874, Telephone Number (801) 366-0375. Failure to request a hearing will be considered a failure to exhaust administrative remedies and will preclude any further administrative or judicial review or appeal of this matter.

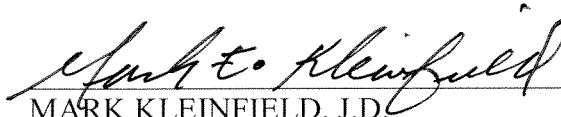
You are further notified that a failure to obey an Order of the commissioner may subject you to further penalties, including forfeitures of up to \$2,500.00 per violation and the suspension

or revocation of your license and the filing of an action in District Court, which may impose forfeitures of up to \$10,000.00 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 14 day of September, 2010.

NEAL T. GOOCH  
INSURANCE COMMISSIONER



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MARK KLEINFELD, J.D.  
ADMINISTRATIVE LAW JUDGE  
Utah Insurance Department  
State Office Building, Room 3110  
Salt Lake City, Utah 84114  
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