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BEFORE THE INSURANCE COMMISSIONER OF THE STATE OF UTAH

COMPLAINANT:	:	
	:	
UTAH INSURANCE DEPARTMENT	:	NOTICE OF INFORMAL ADJUDICATIVE PROCEEDING AND ORDER
	:	
RESPONDENT:	:	
	:	
DOLORES NORDONE	:	DOCKET No. 2010-128 HL
GERBER LIFE INSURANCE COMPANY	:	
1311 MAMARONECK AVENUE	:	Enf. Case No. 2715
SUITE 350	:	
WHITE PLAINS NEW YORK 10605	:	
UT ID No. 363	:	

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

FINDINGS OF FACT

1. Respondent is an insurer authorized to do the business of insurance in the State of Utah holding Utah Identification number 363.
2. Respondent failed to properly file the Refund Calculation and Benchmark Ratio report as required by Utah Admin. Code R590-14(B) and Bulletin 2007-3, which requires an issuer of

Medicare Supplement policies and certificates to annually file the Medicare Supplement Refund Calculation Form and Reporting Form for the Calculation of Benchmark Ratio Since Inception for Group Policies reports electronically via SERFF on or before May 31, 2009.

3. Respondent was required by a 2nd notice letter dated June 17, 2010, to file the Refund Calculation and Benchmark Ratio report electronically via SERFF on or before July 1, 2010.

4. Respondent was required, by Final Notice dated July 13, 2010, to file the Refund Calculation and Benchmark Ratio report electronically via SERFF on or before July 26, 2010.

5. As of the date of this Notice of Informal Adjudicative Proceeding and Order, no response has been received and the time for response and any extensions granted has expired.

6. Respondent was fined 750.00 for failure to respond the previous year for failure to properly file the Annual Medicare Supplement Reports electronically via SERFF on or before May 31, 2009. Docket number 2476. This action was initiated August 5, 2009.

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

CONCLUSION OF LAW

1. In failing to submit a timely response to an inquiry from the Commissioner, the Respondent violated Utah Code Annotated 31A-2-202(4).

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

ORDER

IT IS HEREBY ORDERED:

1. Respondent shall pay an administrative forfeiture in the amount of \$1500.00. Said forfeiture shall be paid no later than ten (10) days after the date this Order becomes final.

2. Respondent shall provide a substantive response to the Commissioner's inquiries to be received in the offices of the Utah Insurance Department no later than by the date this Order becomes final.

3. 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.

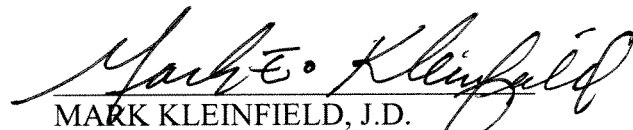
You are further notified that a failure to obey an Order of the commissioner may subject you to further penalties, including forfeitures of up to \$5,000.00 per violation and the suspension or revocation of your license and the filing of an action to enforce this Order in District Court, which may impose 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.

**Questions regarding this Adjudicative Proceeding should be directed to Brent
Oscarson, at the Utah Insurance Department (801) 538-3195.**

DATED THIS 13th day of AUGUST, 2010.

NEAL GOOCH
INSURANCE COMMISSIONER



MARK KLEINFELD, J.D.
ADMINISTRATIVE LAW JUDGE
Utah Insurance Department
State Office Building, Room 3110
Salt Lake City, Utah 84114
Telephone (801) 538-3800