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## BEFORE THE INSURANCE COMMISSIONER OF THE STATE OF UTAH

**COMPLAINANT:**

UTAH INSURANCE DEPARTMENT

**RESPONDENT:**

EAGLE LIFE INSURANCE COMPANY  
5000 Westown Parkway  
West Des Moines, IA 50266  
Utah Org. Id. No. 159859

**NOTICE OF INFORMAL  
ADJUDICATIVE PROCEEDING  
AND ORDER**

DOCKET No. 2011-216 EX

Enf. Case No. 2902

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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 is an insurer domiciled in the State of Iowa and authorized to do the business of insurance in the State of Utah, Utah Organization Identification Number 159859.
2. Respondent has failed to pay its 2011 renewal fee, which was due on January 31, 2011. On March 28, 2011, Respondent was assessed a late fee of \$50.00 and notified that payment must be received no later than April 12, 2011.

3. Respondent failed to reply to the requests of the commissioner, and was notified on April 25, 2011, that if payment was not received by May 2, 2011, the Respondent would be subject to an administrative penalty for failure to respond and the suspension of its Utah Certificate of Authority.

4. Respondent has failed to properly respond to the inquiry of the commissioner and has failed to pay its 2011 renewal fee.

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

**CONCLUSION OF LAW**

1. In failing to pay its renewal fee when due, Respondent violated Utah Code Annotated § 31A-3-103(2) and Utah Administrative Code Rule R590-102-5.

2. In failing to properly respond to an inquiry of the commissioner, 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's certificate of authority to do an insurance business in the State of Utah is hereby suspended. During the suspension of its license, Respondent shall not issue or renew any policies covering residents of the State of Utah or covering risks located within this state.

2. Respondent is assessed an administrative forfeiture in the amount of \$1,500.00. Said forfeiture shall be paid no later than ten (10) days after the date this Order becomes final.

3. The suspension of Respondent's certificate of authority shall continue for a period of 24 months. The suspension may be terminated earlier upon the timely payment of the forfeiture assessed herein and by paying the Certificate of Authority Renewal fee, late fee, and any other fees due to the Department.

4. If the suspension is not lifted within 24 months because of the Respondent's failure to pay the forfeiture assessed herein and to pay the fees due, Respondent's Utah certificate of authority shall be revoked.

5. 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 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 18<sup>th</sup> day of October, 2011.

NEAL T. GOOCH  
INSURANCE COMMISSIONER



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MARK KLEINFELD, J.D.  
ADMINISTRATIVE LAW JUDGE  
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Salt Lake City, Utah 84114  
Telephone (801) 538-3800