

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

## BEFORE THE INSURANCE COMMISSIONER OF THE STATE OF UTAH

**COMPLAINANT:**

UTAH INSURANCE DEPARTMENT

**RESPONDENT:**

AXA EQUITABLE LIFE INSURANCE  
COMPANY  
ATTN: NICK GISMONDI  
525 WASHINGTON BLVD 35<sup>TH</sup> FLOOR  
NEW JERSEY CITY, NJ 10104

UT ID No. 309

**NOTICE OF INFORMAL  
ADJUDICATIVE PROCEEDING  
AND ORDER**

**Docket No.** 2011-096 HL

**Enf. Case No.** 2908

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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 domiciled in the State of New York and authorized to do the business of insurance in the State of Utah, Utah Company Identification No. 309.

2. Respondent failed to properly file the annual Actuarial Certification Report electronically via SERFF on or before April 1, 2011, as required by Utah Code Ann. § 31A-29-117, Utah Admin. Code R590-220-10, and Bulletin 2007-3.

3. 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.

4. Respondent failed to file their 2009, Actuarial Certification Report by the due date of April 1, 2010. The fact that the Respondent has had two years of late reporting has resulted in an increase in the monetary forfeiture.

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

#### **CONCLUSION OF LAW**

1. In failing to timely file its annual Actuarial Certification Report, the Respondent violated Utah Code Annotated 31A-29-117 and Utah Administrative Code 590-220-10.

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 \$3000.00. Said forfeiture shall be paid no later than ten (10) days after the date this Order becomes final.

2. Respondent shall file its annual Actuarial Certification Report to be received in the offices of the Utah Insurance Department no later than 10 days after 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**

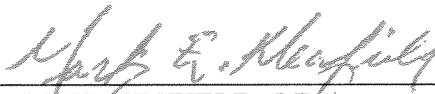
If you request a hearing regarding this matter, the department will be represented by M. Gale Lemmon, Assistant Attorney General, 160 East 300 South, Fifth Floor P.O. Box 140874, Salt Lake City, Utah 84114-0874, Telephone Number (801) 366-0375. Failure to request a hearing will be considered a failure 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 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 \_\_\_\_\_ day of JUN 15 2011, 2011.

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  
Telephone (801) 538-3800