

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 35TH 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

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



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

CERTIFICATE OF MAILING

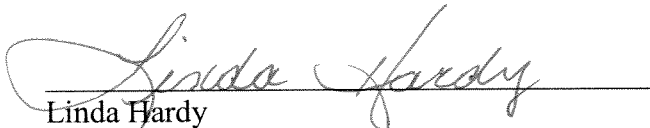
I do hereby certify that on this date I mailed, by regular mail, postage prepaid a true and correct copy of the attached:

NOTICE OF INFORMAL
ADJUDICATIVE PROCEEDING
AND ORDER

To the following:

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

DATED this 5th day of June, 2011



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

**UTAH
Invoice - Original**

Printed Date: June 15, 2011
Invoice Date: June 15, 2011
Balance Due: \$3,000.00
Due Date: July 11, 2011
Invoice ID: 512291
NAIC ID: 62944
Payor ID: 309

NICK GISMONDI
AXA EQUITABLE LIFE INSURANCE COMPANY
525 WASHINGTON BLVD
35TH FLOOR
NEW JERSEY CITY NJ 07310

Item Description	Amount
6/15/2011 Monetary Penalty Company E-Case 2908 Docket # 2011-096 HL	\$3,000.00
Original Amount Due	<u>\$3,000.00</u>
Payments Received	
	<u>Balance Due</u>

**UTAH
Invoice - Original**

Invoice Date: June 15, 2011
Balance Due: \$3,000.00
Due Date: July 11, 2011
Invoice ID: 512291
Payor ID: 309
Payor Name: AXA EQUITABLE
LIFE INSURANCE
COMPANY

Make checks payable to: Utah Insurance Department

Send payment to:

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