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**BEFORE THE INSURANCE COMMISSIONER
OF THE STATE OF UTAH**

COMPLAINANT:

UTAH INSURANCE DEPARTMENT

RESPONDENT

MADISON NATIONAL LIFE INSURANCE
COMPANY INC.
ATTN: ANITA L DULMES
1241 JOHN Q HAMMONS DRIVE
P O BOX 5008
MADISON WISCONSIN 53705

Utah Company Id. No.: 971

**NOTICE OF INFORMAL
ADJUDICATIVE PROCEEDING
AND ORDER**

Docket No. 2011-218 HL

Enf. Case No. 3019

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 WISCONSIN and authorized to do the business of insurance in the State of Utah, Utah Company Identification No. 971.

2. Respondent is a small employer carrier as defined in Utah Code Annotated § 31A-30-103 and is a participant in the Utah Comprehensive Health Insurance Pool.

3. Pursuant to Utah Code Annotated § 31A-29-117(2), Respondent is required to file by February 1st of each year a Report of its small employer index premium rates and the average percentage change in the index premium rate as of January 1st of that year.

4. Respondent failed to file the report referred to above on or before February 1, 2011.

5. Respondent failed to file their 2009, Small Employer Index Rate Report by February 1, 2010. Respondent failed to file their 2008, Small Employer Index Rate Report by February 1, 2009. The fact that the Respondent has had 3 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 small employer index premium rate and average percentage change in the index premium rates by February 1, 2011, Respondent violated Utah Code Annotated § 31A-29-117(2).

2. Pursuant to Utah Code Annotated § 31A-2-308, the commissioner may impose an administrative forfeiture on an insurer of up to \$5,000.00 for each violation of the Utah Insurance Code.

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 \$4500.00. 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.

You are further notified that other jurisdictions in which you may be licensed may require that you report this action to them.

DATED THIS 18th day of October, 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

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.