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

**COMPLAINANT:**

UTAH INSURANCE DEPARTMENT

**RESPONDENT:**

Continental General Insurance Company  
Attn: Toni White  
11200 Lakeline Blvd. Suite 100  
PO Box 26580  
Austin Texas 78717

Utah Company Id. No. 1000

**NOTICE OF INFORMAL  
ADJUDICATIVE PROCEEDING  
AND ORDER**

Docket No. 2012-066 HL

Enf. Case No. 3123

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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 Ohio and authorized to do the business of insurance in the State of Utah, Utah Company Identification No. 1000.

2. Respondent failed to timely 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 Rule R590-220-10, and Bulletin 2007-3.

3. As of the date of this Notice of Informal Adjudicative Proceeding and Order, Respondent has failed to file the required Report.

4. Respondent also failed to timely file its annual Actuarial Certification Report for the year 2010.

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

**CONCLUSION OF LAW**

1. In failing timely file its annual Actuarial Certification Report, Respondent violated Utah Code Ann. § 31A-29-117, and Utah Admin. Code Rule R590-220-10.

2. Pursuant to Utah Code Ann. § 31A-2-308, the commissioner may impose a forfeiture of up to \$5,000 for each violation of the Utah Insurance Code or Rules.

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

**ORDER**

**IT IS HEREBY ORDERED:**

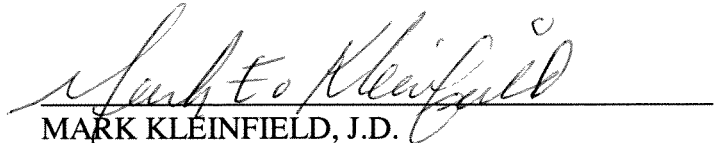
1. Respondent is assessed an administrative forfeiture in the amount of \$4500.00. Said forfeiture shall be paid no later than ten (10) days after the date this Order becomes final.

2. Respondent shall file its annual Actuarial Certification Report electronically via SERFF to be received in the offices of the Utah Insurance Department no later than ten (10) days of 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.

DATED THIS 7<sup>th</sup> day of May, 2012.

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.

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