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

**COMPLAINANT:**

UTAH INSURANCE DEPARTMENT

**RESPONDENT:**

UTAH BUSINESS INSURANCE CO., INC.  
 Attn.: Ronald Ejnar Nielsen  
 10150 Centennial Pkwy, Suite 100  
 Sandy, UT 84070  
 Company ID 15143

**NOTICE OF INFORMAL  
 ADJUDICATIVE PROCEEDING  
 AND ORDER**

Docket No. 2013-125

Enf. Case No. 3360

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 Utah and authorized to do business in this state, Utah Company Identification No. 15143, NAIC Identification No. 12520, and is a member of a holding company as defined in the Utah Insurance Code.

2. As a member of a holding company, Respondent is required to register with the Department annually and file Form B – Insurance Holding Company System Annual Registration Statement, and Form C – Summary of Registration Statement, on or before May 1<sup>st</sup> of each year.

3. Respondent failed to file it Form B and Form C on or before May 1, 2013.

4. Respondent was informed by letter dated May 16, 2013, sent via email, of its failure to file FORM B and FORM C, and required to file the delinquent reports on or before May 31, 2013.

5. Respondent failed to file the missing forms by May 31, 2013, and a second letter dated June 5, 2013, was sent to Respondent via email and certified mail requiring it to file its Forms B and C by Wednesday, June 12, 2013.

6. Respondent replied by filing Forms B and C dated and signed June 12, 2013. However, the forms were missing certain required information and contained certain information that was incorrect.

7. A number of additional exchanges between the Respondent and the Department were required in order to obtain complete and correct information, which was received by the Department in late August 2013.

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

#### **CONCLUSION OF LAW**

1. In failing to file complete registration statement with the Department to include Forms B and C by May 1, 2013, Respondent violated Utah Code Ann. §§ 31A-4-113.5(1), 31A-16-105(10)(b) and -105(11), and Utah Admin. Code Rule R590-70-4.C.

2. In failing to file reports that were complete and accurate, Respondent violated Utah Code Ann. § 31A-2-202(6).

3. In failing to timely respond to inquiries from the commissioner, Respondent violated Utah Code Ann. § 31A-2-202(4)(a).

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 \$3,000.00. 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.

### **NOTIFICATION**

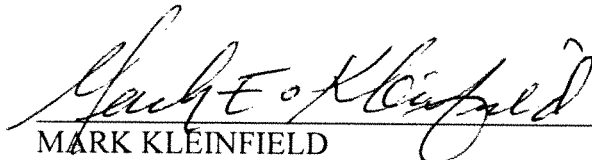
If you request a hearing regarding this matter, the department will be represented by M. Gale Lemmon, Assistant Attorney General, 160 East 300 South, Fifth Floor, P.O. Box 140874, Salt Lake City, Utah 84114-0874, Telephone Number (801) 366-0375. Failure to request a hearing will be considered a failure 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 25<sup>th</sup> day of September, 2013.

TODD E. KISER  
INSURANCE COMMISSIONER



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MARK KLEINFELD  
Administrative Law Judge  
Utah Insurance Department  
State Office Building, Room 3110  
Salt Lake City, Utah 84114  
Telephone (801) 538-3800