

PERRI ANN BABALIS #5658
Assistant Attorney General
SEAN D. REYES #7969
Utah Attorney General
Attorneys for Utah Insurance Department
160 East 300 South, Fifth Floor
PO Box 140874
Salt Lake City, UT 84114
Telephone: 801-366-0375
Email: pbabalis@utah.gov

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

<p>UTAH INSURANCE DEPARTMENT, Complainant, v. UNIGARD INSURANCE COMPANY 1 General Dr. Sun Prairie, WI 53596 NAIC #25747 Utah Co. # 754 Respondent.</p>	<p>STIPULATION AND ORDER</p> <p>Docket No. 2016-010 PC Enf. Case No. 3723</p> <p>Judge Gregory Soderberg Administrative Law Judge</p>
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STIPULATION

The Utah Insurance Department ("Department"), by and through its attorney, Perri Ann Babalis, and Unigard Insurance Company ("the Company" or "Respondent"), hereby stipulate and agree as follows:

1. Respondent, Unigard Insurance Company, is a property and casualty insurance company, domiciled in the state of Wisconsin, holding a certificate of authority to do an

insurance business in the state of Utah. Respondent's address is Corp. Legal Dept. Bldg 100, 1 General Dr., Sun Prairie, Wisconsin 53596. Respondent's NAIC company code is 25747; Respondent's Utah Company number is 754.

2. The Department has jurisdiction over the parties and subject matter of this Stipulation.

3. Respondent acknowledges notice of agency action pursuant to Utah Code § 63G-4-201; acknowledges that this Stipulation and Order is an informal proceeding pursuant to Utah Code Section 63G-4-202; and irrevocably waives the right to any hearing, review or appeal concerning this matter.

4. Respondent is represented by legal counsel with regards to this Stipulation, or has waived the right to review this Stipulation with counsel.

5. This signed Stipulation, along with any Findings of Fact and Conclusions of Law, shall not be subject to any reconsideration, renegotiation, modification, hearing or agency review or appeal.

6. The Findings of Fact and Conclusions of Law presented below are accepted by the parties.

7. The issuance of the signed and adopted Order proposed below is solely for the purpose of disposing of the specific matter entitled herein.

8. The only promises, agreements and understandings that the parties have regarding this matter are contained in this Stipulation.

9. Respondent enters into this Stipulation voluntarily, knowingly, and free from any

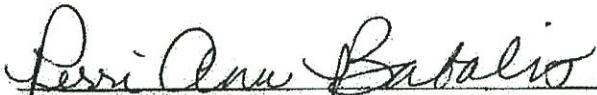
coercion of any kind.

10. The person signing this Stipulation on behalf of the named party hereby affirms that he is authorized to sign and bind the party.

Dated this 19 day of April, 2016,


CHRIS BROEGE on behalf of
UNIGARD INSURANCE COMPANY

Dated this 19th day of April, 2016.


PERRI ANN BABALIS
Utah Assistant Attorney General for the
Utah Insurance Department

Based upon the foregoing Stipulation and Department file, the Presiding Officer makes the following Findings of Fact:

FINDINGS OF FACT

1. The Utah Insurance Department received a complaint concerning an automobile accident that occurred on May 17, 2015. The complaint alleged that Respondent failed to process the claim surrounding the automobile accident in a timely manner.

2. On May 17, 2015, an automobile accident occurred wherein Jose M. Espana was found to be at fault for said accident which involved Mr. Espana hitting the car driven by Jesus G. Ibarra. Mr. Espana is insured by Respondent.

3. Mr. Ibarra made a claim for the damages he suffered on May 20, 2015.
4. Mr. Ibarra did not receive a settlement check until October 28, 2015.
5. Based upon the Department's investigation, the Respondent was found to be non-compliant in their failure to pay claims within 30 days or to notify the claimant for the reason for the delay in payment.

Based upon the foregoing Stipulation and Findings of Fact, the Presiding Officer enters the following Conclusions of Law:

CONCLUSIONS OF LAW

1. Utah Administrative Code, Rule 590-190-10, Unfair Claims Practices Act, states that the insurer shall complete its investigation of the claim within 30 days from proof or loss. If the insurer needs more time to complete its investigation, it shall notify the claimant, giving the reasons more time is needed.
2. Utah Code Ann § 31A-26-303 states that delaying the investigation or payment of claims is an unfair claim settlement practice.
3. Respondent, Unigard Insurance Company, violated the above referenced statute and rule when it failed to timely complete its claims investigation or send a settlement check to the injured party.
4. The proposed administrative forfeiture is appropriate under the circumstances.

Based upon the foregoing Stipulation, Findings of Fact and Conclusions of Law, the Presiding Officer herewith enters the following Order:


ORDER

IT IS HEREBY ORDERED:

1. Respondent, Unigard Insurance Company, is assessed a forfeiture in the amount of \$2,000.00. The forfeiture shall be paid to the Department within 30 days of the date of this Order.

DATED this 19th day of April, 2016.

TODD E. KISER
Insurance Commissioner



GREGORY SODERBERG
Administrative Law Judge
Utah Department of Insurance
State Office Building, Room 3110
Salt Lake City, UT 84114
Telephone (801) 530-6706

NOTIFICATION TO RESPONDENT

You are hereby notified that a failure to obey an Order of the Commissioner may subject you to further penalties, including forfeitures of up to \$5,000 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 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.