

Utah Insurance Department
State office Building, Rm 3110
Salt Lake City, UT 84114
Jen Christian, Market Conduct Examiner
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**BEFORE THE INSURANCE COMMISSIONER
OF THE STATE OF UTAH**

COMPLAINANT:
UTAH INSURANCE DEPARTMENT,

vs.

RESPONDENT:
ISmile, LLC
11550 E Irvington Road
Tucson, AZ 85747
License No. 172279

**NOTICE OF INFORMAL
AGENCY ACTION AND ORDER**

Docket No. 2016-012 HL

Enforcement Case No. 3725

Judge Gregory Soderberg
Administrative Law Judge

The Utah Insurance Department has commenced this informal adjudicative proceeding pursuant to Utah Code Ann. § 31A-2-201, 31A-3-103 and 63G-4-201 and Utah Admin. Code R590-102. Based upon information contained in the Department's files or known to the Department, the presiding officer enters the following:

FINDINGS OF FACT

1. Respondent is a licensed health discount program operator authorized to do business in the State of Utah, holding License Number 172279.
2. On November 3, 2015, Respondent was notified via email that the renewal for their health discount program operator license would be required to be submitted no later than December 31, 2015.

3. On November 17, 2015, Respondent was provided with the renewal application via email. They were notified that the renewal fee and application must be submitted no later than December 31, 2015.

4. On December 31, 2015, a complete renewal application was not received. The license was inactivated for failure to renew.

6. On February 1, 2016, Respondent contacted the Department via email and submitted the application.

7. On February 2, 2016, Respondent was notified that the license had already lapsed due to failure to renew. Respondent was informed that in order to reinstate the license and continue to conduct business in the State of Utah, they would be required to pay a fine in the amount of \$750.00. Respondent has agreed to pay the fine.

Having entered the Findings of Fact, the Presiding Officer now enters the following:

CONCLUSIONS OF LAW

1. Respondent violated 31A-8a-202(2)(b)(ii) by failing to submit the renewal application by the renewal date.
2. Respondent continued to operate a health discount program without a license.

Based on the Findings of Fact and the Conclusions of Law, the Presiding Officer now enters the following Order:

ORDER

IT IS HEREBY ORDERED:

1. Respondent is assessed an administrative forfeiture in the amount of \$750.00. Said forfeiture shall be paid to the Department 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.

DATED this 9th day of February, 2016.

TODD E. KISER
INSURANCE COMMISSIONER



Gregory Soderberg
Administrative Law Judge
Utah Insurance Department
State Office Building, Room 3110
Salt Lake City, UT 84114
Telephone: (801) 538-3800

NOTIFICATION

If you request a hearing regarding this matter, please contact Market Conduct Examiner Jen Christian at (801) 538-3172. 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 \$2,500.00 per violation and the suspension or revocation of your license and the filing of an action to enforce this Order 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.