
BEFORE THE INSURANCE COMMISSIONER
OF THE STATE OF UTAH

UTAH INSURANCE DEPARTMENT,

Complainant,

vs.

KEYSTONE INSURANCE SERVICES
1774 N University Pkwy. #70
Provo, UT 85604
License No. 406455

Respondent.

ORDER

Docket no. 2016-013 LC
Enf. Case No. 3726

Administrative Law Judge Greg Soderberg

INTRODUCTION

This matter was heard before the Presiding Officer on April 27, 2016. The Department of Insurance and Respondent also filed cross Motions for Summary Disposition prior to the hearing. The Department asks that Respondent be required to cease using its current website, www.utahinsurance.net, because it is a misleading communication, or would cause a reasonable person to mistakenly believe that the Utah Insurance Department is responsible for Respondent's insurance sales activities, or stands behind Respondent's credit, or guarantees any returns or insurance products of or sold by Respondent, or is a source of payment of any of Respondent's insurance obligations. Respondent argues that the website name would not mislead a reasonable person, or cause a reasonable person to believe the Utah Insurance Department and Respondent had one of the above-mentioned relationships.

Having considered the arguments in the parties' Motions and Memoranda, and arguments presented at the hearing, the Presiding Officer finds that the website domain name is misleading, and that it would cause a reasonable person to mistakenly believe that a state government agency

is responsible for Respondent's insurance sales activities, stands behind Respondent's credit, guarantees any returns on insurance products of or sold by Respondent, or is a source of payment of any insurance obligation of or sold by the Respondent. As described more fully in the below Order, Respondent is required to change its domain name from www.utahinsurance.net.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. I find that the domain name currently used by Respondent is a communication that contains misleading information relating to Respondent itself, or relating to Respondent's insurance products. Utah Code Ann. § 31A-23a-402(1)(a)(i). The domain name www.utahinsurance.net contains misleading information because of its similarity to the Utah Insurance Department's website domain name, www.insurance.utah.gov, which could mislead people to believe that Respondent has a relationship, approval, or backing with or of the Insurance Department that it does not have. Respondent is a "person who is or should be licensed under this title." *Id.*; *id.* § 31A-1-301(126).

2. I find that the domain name currently used by Respondent would cause a reasonable person to mistakenly believe that a state government agency is responsible for Respondent's insurance sales activities, stands behind Respondent's credit, guarantees any returns on insurance products of or sold by Respondent, or is a source of payment of any insurance obligation of or sold by the Respondent. *Id.* § 31A-23a-402(1)(a)(iii). As described above in paragraph 1, the similarity between Respondent's website domain name and the Insurance Department's website domain name would cause a reasonable person to have such a mistaken belief. The use of .net as the top-level domain extension is insufficient to distinguish Respondent's website from the Insurance Department's website. It is true that government entities often use .gov top-level domain extensions, but the law here does not require that a reasonable person mistakenly believe

that Respondent *is* a government agency, only that one of the listed relationships exists, when in fact it does not. Respondent's argument that it is being unfairly singled out, while other entities are allowed to use domain names that contain some form of "Utah" and "insurance" in them is unpersuasive. The domain names listed in Respondent's Memorandum contain other words that distinguish them from the Insurance Department's website.

3. Similarly and for the reasons stated in paragraphs 1 and 2, I find that Respondent's website domain name indirectly represents that the Insurance Department has approved, reviewed, or endorsed Respondent's marketing program, insurance produce, or insurance company. Utah Admin. Code r.590-154-7(1).

ORDER

Respondent is ordered to cease using the domain name www.utahinsurance.net within 30 days of this Order becoming final. If Respondent changes its domain name, it must do so to a name that is not inconsistent with the requirements of State law and rule, as described above. Respondent may continue to have forms of the words "Utah" and "insurance" in its website domain name, but must include other words to make it dissimilar from the Insurance Department's website domain name.

DATED May 9, 2016.

/s/ Greg Soderberg
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