



3. Respondent acknowledges notice of agency action pursuant to Utah Code Section 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 aware of its right to be represented by legal counsel in this matter, and has either sought the advice of legal counsel or has waived the right to do so.

5. This signed Stipulation and the signed Order, 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.

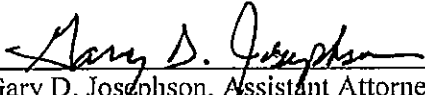
9. Respondent enters into this Stipulation voluntarily, knowingly, and free from any coercion of any kind.

10. The persons signing this Stipulation on behalf of the named parties hereby affirm that they are authorized to sign and bind the parties.

Dated this 30 day of June, 2017.

  
\_\_\_\_\_  
Shaunda Cockayne, Compliance Advisor  
UNITED SERVICES AUTOMOBILE ASSOCIATION

Dated this 5<sup>th</sup> day of July, 2017

  
\_\_\_\_\_  
Gary D. Josephson, Assistant Attorney General  
UTAH INSURANCE DEPARTMENT

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

**FINDINGS OF FACT**

1. Based on a Department investigation, it was found that, on November 17, 2016, a liability claim was filed with Respondent concerning a rear-end auto accident, which Respondent accepted liability for.
2. It was determined that there no communication with the claimant until December 22, 2016 and that the loss of use claim was not paid until January 31, 2017.
3. The Department and Respondent have agreed to an administrative forfeiture in the amount of \$3,000.00 to be paid by Respondent.

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

**CONCLUSIONS OF LAW**

1. Utah Code Section 31A-26-303(3) states that “failing to acknowledge and act promptly upon communications about claims under insurance policies” is an unfair claim settlement practice.

2. Also, Utah Administrative Code R590-190-10(3), provides that a payment is overdue if not paid within 30 days after the insurer is furnished with written proof of the fact of a covered loss and the amount of the loss.

3. Respondent violated the above referenced insurance laws when it was notified of the liability claim on November 17, 2016; accepted liability that same day; but did not pay the loss of use claim until January 31, 2017.

4. An Administrative forfeiture in the amount of \$3,000.00 is appropriate under the circumstances.


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

**ORDER**

1. Respondent is hereby ordered to pay an administrative forfeiture in the amount of \$3,000.00 to the Department within thirty days of the full signing date of this Order.

DATED this 5<sup>th</sup> day of July, 2017.

TODD E. KISER  
Insurance Commissioner

  
\_\_\_\_\_  
LISA WATTS BASKIN, J.D.  
Administrative Law Judge  
Utah Insurance Department

**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.