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

<p>UTAH INSURANCE DEPARTMENT, Complainant, v. NATIONAL AGENTS ALLIANCE INSURANCE AGENCY LLC, Respondent.</p>	<p style="text-align: center;">STIPULATION AND ORDER</p> <p>Docket No. 2018-018 HL E-Case No. 3970 Lisa Watts Baskin, J.D. Administrative Law Judge</p>
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STIPULATION

The Utah Insurance Department (“Department”), by and through its legal counsel, Perri Ann Babalis, and National Agents Alliance Insurance Agency LLC (“Respondent”), by and through its legal counsel, Randall Smart, hereby stipulate and agree as follows:

1. The Department has jurisdiction over the parties and subject matter of this administrative action.
2. 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.

3. Respondent is represented by legal counsel in this matter.
4. 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.
5. The Findings of Fact and Conclusions of Law presented below are accepted by the parties.
6. The issuance of the signed and adopted Order proposed below is solely for the purpose of disposing of the specific matter entitled herein.
7. The only promises, agreements and understandings that the parties have regarding this matter are contained in this Stipulation.
8. Respondent enters into this Stipulation voluntarily, knowingly, and free from any coercion of any kind.
9. 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 28th day of March, 2018

/s/ Randall Smart
Randall Smart, SMART, SCHOFIELD, SHORTER, P.C.
Attorneys for Respondent

Dated this 28th day of March, 2018

/s/ Perri Ann Babalis
Perri Ann Babalis, Assistant Attorney General
UTAH INSURANCE DEPARTMENT

Based upon the foregoing Stipulation and Department file, the Administrative Law Judge makes the following Findings of Fact:

FINDINGS OF FACT

1. Respondent, National Agents Alliance Insurance Agency LLC, is an active non-resident Accident and Health and Life insurer holding license number 103879. Respondent's business address is 1214 Turrentine Street, Burlington, North Carolina 27215-6836.

2. In November 2017, Respondent mailed ads to Utah residents offering to sell credit life insurance. Respondent's ads listed the mortgage lender (RANLife) on the mailer which also used the word or phrase "Urgent" and "Mortgage Time Sensitive." A Utah customer called the servicing agent for RANLife and asked about the mailer. The customer wondered whether he needed to act on anything.

3. On or about November 20, 2017, the servicing agent for RANLife filed a complaint with the Department stating that RANLife had not authorized use of its name on Respondent's advertising.

4. In early December, 2017, another complaint was filed with the Department concerning a similar ad mailed by Respondent, but with a different lender listed.

5. A Department investigation was conducted which found that the lenders listed on the ads had not given their permission to Respondent to use their names on the ads. In addition, although the words "Not affiliated with any lending institution" appeared at the bottom of the mailer, the words "Urgent," and "Attention: Important Notice" appeared in bold letters at the top of the mailer. In the address window of the envelope it read, "RE: MORTGAGE TIME SENSITIVE".

6. The actions of Respondent violate unfair marketing practices rules set forth in the Insurance Code.

7. The Department and Respondent have agreed to an administrative penalty of \$8,000.00.

Based upon the foregoing Stipulation and Findings of Fact, the Administrative Law Judge enters the following Conclusions of Law:

CONCLUSIONS OF LAW

1. Utah Code Section 31A-23a-402 addresses unfair marketing practices in advertising. Respondent used lenders names in Respondent's ads without their permission, in violation of this statute.

2. Utah Administrative Code R590-130-6 provides that the format and content of an insurance advertisement be sufficiently complete and clear to avoid deceiving or misleading the reader, viewer, or listener. Respondent violated this provision when: (1) it tied its ads to lenders who had not given their permission to Respondent to be used in their advertisements; and (2) Respondent used wording in its ads that was not clear to consumers.

3. It is appropriate that an administrative forfeiture be levied in the amount of \$4,000.00 for each referenced advertisement, for a total of \$8,000.00.

Based on the foregoing Findings and Fact and Conclusions of Law, the Administrative Law Judge enters the following Order.

ORDER

1. Respondent is assessed an administrative forfeiture in the amount of \$8,000.00 which shall be paid to the Department within thirty (30) days of the date this Order is signed.

DATED this 29th day of March, 2018.

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.

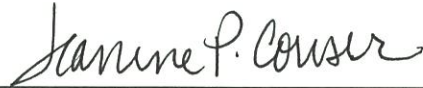
CERTIFICATE OF MAILING

The undersigned hereby certifies that on this date, a true and correct copy of the foregoing **STIPULATION AND ORDER** was regularly mailed and electronically mailed to the following:

**RANDALL SMART
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DATED this 29th day of March, 2018.



JEANINE P. COUSER
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