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**BEFORE THE UTAH INSURANCE COMMISSIONER**

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| <p>UTAH INSURANCE DEPARTMENT,<br/><br/>Complainant,<br/><br/>vs.<br/><br/>COLONIAL PENN LIFE INSURANCE<br/>COMPANY,<br/><br/>Respondent.</p> | <p>FINDINGS OF FACT, CONCLUSIONS OF<br/>LAW AND ORDER<br/><br/>Docket No. 2018-041 HL<br/>Enforcement No. 3992<br/><br/>Lisa Watts Baskin, J.D.<br/>Presiding Officer</p> |
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Complainant, Utah Insurance Department ("Department") and Respondent, Colonial Penn Life Insurance Company, have stipulated to entry of the following Findings of Fact, Conclusions of Law, and Order. Based upon that stipulation, and good cause appearing, the Presiding Officer makes and enters the following:

**FINDINGS OF FACT**

1. Respondent, Colonial Penn Life Insurance Company, is a non-resident life insurance and Medicare supplement insurer holding license number 62065.
2. Respondent's mailing address is 111 East Wacker Drive, Chicago, IL 60601.
3. During Open Enrollment periods from 2013 to 2017, Respondent charged a higher

standard rate instead of the premium preferred rate to tobacco users.

4. 33 Utah residents were charged the higher premium.

5. Respondent completed a remediation plan on March 27, 2018.

6. The remediation plan required Respondent to reimburse affected policyholders for the difference in the premium rates calculated back to the inception date.

7. The Department and Respondent have agreed to an administrative forfeiture of \$10,510.00

#### **CONCLUSIONS OF LAW**

1. The Utah Insurance Commissioner (“Commissioner”) has jurisdiction over the parties and this adjudicative proceeding pursuant to Utah Code §§ 31A-1-105 and 31A-2-201.

2. The Commissioner has legal authority to impose penalties on the Department's licensees who violate the Utah Insurance Code. Utah Code § 31A-2-308.

3. Respondent's conduct violates Utah Admin Code R590-146-11.

4. As penalties for the violations in this case, Respondent should be ordered to pay a forfeiture of \$10,510.00.

#### **ORDER**


Based on the foregoing Findings of Fact and Conclusions of Law, it is hereby Ordered that:

1. Respondent shall pay a forfeiture of \$10,510.00 for the violations described in the Conclusions of Law.

2. Respondent is ordered not to commit the violations described in the Conclusions of Law in the future.

DATED this 14<sup>th</sup> day of May, 2018.

TODD E. KISER  
Utah Insurance Commissioner

  
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Lisa Watts Baskin  
Presiding Officer  
Utah Insurance Department

#### NOTICE 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.