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**BEFORE THE UTAH INSURANCE COMMISSIONER**

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UTAH INSURANCE DEPARTMENT,

Complainant,

vs.

AMERICAN FAMILY LIFE  
ASSURANCE COMPANY OF  
COLUMBUS,

Respondent.

NOTICE OF AGENCY ACTION AND  
ORDER

Docket No. 2018-4030

Lisa Watts Baskin  
Presiding Officer

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**NOTICE OF AGENCY ACTION**

The Utah Insurance Department (“the Department”) commences this agency action against Respondent American Family Life Assurance Company of Columbus (“Respondent”) pursuant to Utah Code §§ 31A-2-201 and 63G-4-201 through 63G-4-203 and to Utah Admin. Code R590-160.

This agency action is based on the facts and law set forth in the attached Declaration and is designated as an informal adjudicative proceeding pursuant to Utah Code § 63G-4-202(1) and Utah Admin Code R590-160-4 and R590-160-7.

**ORDER**

Based on the facts and the law set forth in the attached Declaration, and good cause appearing, the Utah Insurance Commissioner orders as follows:

1. Respondent shall forfeit to the Department the amount of \$750.00.
2. Pursuant to Utah Code § 63G-4-203(1)(i) and Utah Admin. Code R590-160-7(1), this informal adjudicative proceeding shall be deemed closed, and this Order shall become final and


take full effect, 15 days after this Notice of Agency Action and Order is electronically mailed to Respondent unless a request for a hearing on this matter is received from Respondent prior to that date.

3. A request for a hearing shall be sent by email to [uidadmincases@utah.gov](mailto:uidadmincases@utah.gov) or by U.S. mail to Office of the Administrative Law Judge, Utah Insurance Department, 3110 State Office Building, Salt Lake City, UT 84114. The request for hearing shall be signed by the person making the request and shall state the basis for the relief requested.

4. If you fail to request a hearing you will be bound by this Order. Failure to request a hearing will be deemed a failure to exhaust administrative remedies and will preclude any further administrative or judicial review or appeal of this matter.

DATED this 6<sup>th</sup> day of September, 2018.

TODD E. KISER  
Utah Insurance Commissioner

  
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LISA WATTS BASKIN  
Presiding Officer  
Utah Insurance Department  
3110 State Office Building  
Salt Lake City, UT 84114  
801-538-3800  
[uidadmincases@utah.gov](mailto:uidadmincases@utah.gov)

**NOTICE REGARDING ENFORCEMENT OF THE ORDER**

Failure to obey the Order may subject you to further penalties that include forfeitures of up to \$2,500 per violation, license suspension or revocation, further enforcement action before the Utah District Court where forfeitures of up to \$10,000 may be imposed. If you are licensed in other jurisdictions, you may be required to report this proceeding to those jurisdictions.


## DECLARATION

Under criminal penalty of Utah law, I, Brent D. Oscarson, declare the following:

1. I am currently employed as an Insurance Analyst with the Utah Insurance Department where my responsibilities include investigating and enforcing Utah insurance laws.
2. I submit this Declaration as the basis for issuing the Notice of Agency Action and Order against American Family Life Assurance Company of Columbus to which this Declaration is attached.
3. Based on my personal knowledge and/or based on the facts appearing in the Department's records and files, the following facts are true:
  - a. Respondent is an insurer domiciled in the State of Nebraska and authorized to do the business of insurance in the State of Utah, Utah Company Identification No. 123.
  - b. Respondent is an insurer that markets Medicare Supplement Policies and was required, under Utah Administrative Code Rule R590-146 and Bulletin 2007-3, to electronically file its Annual Filing of Premium Rates, its Refund Calculation and Benchmark Ratio, and its Report of Multiple Policies before May 31<sup>st</sup> of each year.
  - c. Respondent failed to electronically file its Annual Filing of Premium Rates, its Refund Calculation and Benchmark Ratio, and its Report of Multiple Policies on or before May 31, 2017.

4. The above declared facts demonstrate that the following Utah insurance law(s) were not complied with:
- a. Respondent failed to electronically file its Annual Filing of Premium Rates, its Refund Calculation and Benchmark Ratio, and its Report of Multiple Policies on or before May 31, 2017.
  - b. In failing to electronically file its Refund Calculation and Benchmark Ratio on or before May 31, 2017, Respondent violated Utah Admin. Code Rule R590-146-14(B).
  - c. In failing to electronically file its Report of Multiple Policies on or before May 31, 2017, Respondent violated Utah Admin. Code Rule R590-146-22.
  - d. Pursuant to Utah Code Annotated § 31A-2-308, the commissioner may impose an administrative forfeiture on an insurer of up to \$5,000.00 for each violation of the Utah Insurance Code.
5. Based on Utah Code § 31A-2-308 and other similar enforcement cases, the proper forfeiture for Respondent's failure to file should be \$750.00.

DATED this 29<sup>th</sup> day of August 2018.

  
BRENT OSCARSON  
INSURANCE ANALYST  
Utah Insurance Department