
BEFORE THE UTAH INSURANCE COMMISSIONER

UTAH INSURANCE DEPARTMENT,

Complainant,

v.

BANKERS FIDELITY ASSURANCE
COMPANY,

Respondent.

**NOTICE OF AGENCY ACTION AND
ORDER**

Docket No. 2019-4096

Lisa Watts Baskin, JD
Presiding Officer

NOTICE OF AGENCY ACTION

The Utah Insurance Department ("the Department") has commenced this informal adjudicative proceeding pursuant to Utah Code Annotated §§ 31A-2-201 and 63G-4-201 through 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 7.

ORDER

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


1. Respondent shall forfeit to the Department the amount of \$1,500.00.
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 written request for a hearing shall be sent by email to 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 27th day of February, 2019.

TODD E. KISER
Utah Insurance Commissioner



LISA WATTS BASKIN
Presiding Officer
Utah Insurance Department
3110 State Office Building
Salt Lake City, UT 84114
801-538-3890
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 or 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 (“the 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 Bankers Fidelity Assurance Company to which this Declaration is attached.
3. Based on my personal knowledge and 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 Georgia and authorized to do the business of insurance in the State of Utah, Utah Company Identification No. 176369.
 - 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 31st 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, 2018.

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, 2018.
 - b. In failing to electronically file its Annual Filing of Premium Rates on or before May 31, 2018, Respondent violated Utah Admin. Code Rule R590-146-14(C)(1)(b).
 - c. In failing to electronically file its Refund Calculation and Benchmark Ratio on or before May 31, 2018, Respondent violated Utah Admin. Code Rule R590-146-14(B)(1)(a) through (c).
 - d. In failing to electronically file its Report of Multiple Policies on or before May 31, 2018, Respondent violated Utah Admin. Code Rule R590-146-22(A).
 - e. Pursuant to Utah Code Annotated § 31A-2-308(1)(b)(ii), the commissioner may impose an administrative forfeiture on an insurer of up to \$5,000.00 for each violation of the Utah Insurance Code.
 - f. Based on the facts and law set forth above, Respondent should forfeit \$1,500.00 to the Department within 30 days of this order.

DATED this 26TH day of FEBRUARY, 2019.


Brent Oscarson, Insurance Analyst
Utah Insurance Department

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this date a true and correct copy of the foregoing Notice of Agency Action and Order, with the Declaration attached to it, was emailed to:

Jeffrey Ross Franklin
rfranklin@bflic.com

Brent Oscarson
Utah Insurance Department
boscarson@utah.gov

DATED this 4th day of March, 2019.



Jeanine Couser
Utah Insurance Department
3110 State Office Building
Salt Lake City, UT 84114
801-538-3860