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**BEFORE THE UTAH INSURANCE COMMISSIONER**

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UTAH INSURANCE DEPARTMENT,

Complainant,

v.

WASHINGTON NATIONAL  
INSURANCE COMPANY,

Respondent.

**AMENDED NOTICE OF AGENCY  
ACTION AND ORDER**

**Docket No. 2019-4107**

Lisa Watts Baskin, JD  
Presiding Officer

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**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 \$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 written 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 13<sup>th</sup> day of March, 2019.

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  
801-538-3890  
[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 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 Washington National Insurance 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 Indiana and authorized to do the business of insurance in the State of Utah, Utah Company Identification No. 803.
4. Respondent is an insurer that markets or maintains Long Term Care Insurance Policies and was required, under Utah Administrative Code Rule R590-148-25, to electronically file its Replacement and Lapse Report, its Claims Denial Report, its Rescission Report, and its Suitability Report on or before June 30<sup>th</sup>, of each year.
5. Respondent failed to electronically file its Replacement and Lapse Report, its Claims Denial Report, its Rescission Report, and its Suitability Report on or before June 30, 2018.
6. The above declared facts demonstrate that the following Utah insurance law(s) were not complied with:

- a. In failing to electronically file its Long Term Care Reports on or before June 30, 2018, Respondent violated Utah Admin. Code Rule R590-148-25.
- b. 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.
- c. Based on the facts and law set forth above, Respondent should forfeit \$750.00 to the Department within 30 days of this order.

DATED this 13<sup>TH</sup> day of MARCH, 2019.

  
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Brent Oscarson, Insurance Analyst  
Utah Insurance Department