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**BEFORE THE UTAH INSURANCE COMMISSIONER**

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| UTAH INSURANCE DEPARTMENT,<br><br>Complainant,<br><br>vs.<br><br>FORETHOUGHT LIFE INSURANCE<br>COMPANY,<br><br>Respondent. | NOTICE OF AGENCY ACTION AND<br>ORDER<br><br>Docket No. 2019-4130<br><br>Lisa Watts Baskin<br>Presiding Officer |
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**NOTICE OF AGENCY ACTION**

The Utah Insurance Department (“the Department”) commences this agency action against Respondent Forethought Life Insurance Company (“Respondent”) pursuant to Utah Code §§ 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 good cause appearing, the Utah Insurance Commissioner orders as follows:

1. Respondent shall forfeit to the Department the amount of \$750.00.
2. Respondent shall file the 2018 Utah Accident & Health Survey per the instructions via the Utah Insurance Department secure upload site within 15 days of this order.
3. 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 emailed to Respondent unless a request for a hearing on this matter is received from Respondent prior to that date.
4. 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.
5. 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 19<sup>th</sup> day of June, 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  
801-538-3800  
Email: [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, Jeffrey Hawley, declare the following:

1. I am currently employed as a Research 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 Forethought Life Insurance Company 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 Indiana and authorized to do insurance business in Utah. The company identification number is 1294.

b. Respondent failed to properly respond to a 1<sup>st</sup> Notice to File the 2018 Utah Accident & Health Survey on or before April 1, 2019. This notice was published on the annual state filing checklist posted on the Department's website on January 3, 2019.

c. Respondent failed to properly respond to a 2<sup>nd</sup> Notice dated April 30, 2019 to file the 2018 Utah Accident & Health Survey on or before May 14, 2019. The Notice was sent to Respondent's address on file.

d. Respondent failed to properly respond to a Final Notice dated May 16, 2019 to file the 2018 Utah Accident & Health Survey on or before May 28, 2019. The Notice was sent to Respondent's address on file.

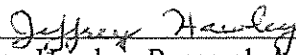
e. As of June 4, 2019, no response has been received and the time for response and any extensions has expired.

4. The above declared facts demonstrate that the following Utah insurance law(s) were not complied with:

a. Respondent violated Utah Code § 31A-2-202(4) by failing to reply promptly in writing or other designated form to a reasonable written inquiry from the commissioner.

5. Based on Utah Code § 31A-2-308 and other similar enforcement cases, the proper forfeiture for the violations should be \$750.00.

DATED this 13 day of JUNE 2019.

  
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Jeffrey Hawley, Research 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:

Forethought Life Insurance Company  
[laurel.colton@gafg.com](mailto:laurel.colton@gafg.com)

and

Jeffrey Hawley  
Utah Insurance Department  
[jhawley@utah.gov](mailto:jhawley@utah.gov)

DATED this 19<sup>th</sup> day of June, 2019.



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Jeanine Couser  
Utah Insurance Department  
3110 State Office Building  
Salt Lake City, UT 84114  
801-538-3800