

HELEN A. FROHLICH #8814
Assistant Utah Attorney General
SEAN D. REYES #7969
Utah Attorney General
Attorneys for Utah Insurance Department
160 East 300 South, 5th Floor
P.O. Box 140874
Salt Lake City, Utah 84114-0874
Telephone: (801) 366-0375
hfrohlich@agutah.gov

BEFORE THE UTAH INSURANCE COMMISSIONER

UTAH INSURANCE DEPARTMENT, Complainant, vs. AXEL D. LUNA, Respondent.	FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER Docket No. 2019-4159 Lisa Watts Baskin Presiding Officer
---	---

Complainant, Utah Insurance Department ("Department") and Respondent, Axel D. Luna, 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 is a resident individual producer holding license number 531826.
2. Respondent's mailing address is 2500 N. Fortlane #229, Layton, UT 84041.
3. On March 8, 2019, Respondent was terminated for cause from MassMutual.
3. Respondent instructed an employee he supervised to mark "no" on the replacement

form for five life insurance applications knowing that the information was false and misleading as there were active policies in force which were being replaced. The replacement policies were New York Life policies, which Respondent and another producer had written together while at New York Life.

4. The Department and Respondent have agreed to an administrative forfeiture of \$1,500.00.

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 violated Utah Code § 31A-23a-111(5)(b)(xiii)(B) by intentionally misrepresenting the terms of an actual or proposed application for insurance.

4. Respondent violated Utah Code § 31A-23a-402(1)(a)(i)(A) by making communication that contained false or misleading information relating to an insurance product or contract.

5. As penalties for the violations in this case, Respondent should be ordered to pay a forfeiture of \$1,500.00.

ORDER

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


1. Respondent shall pay a forfeiture of \$1,500.00 for the violations described in the Conclusions of Law. Respondent may pay this forfeiture by paying \$250 per month for six

months, with the first payment due on October 4, 2019 and the remaining monthly payments due on the first of the month thereafter.

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

DATED this 24th day of September, 2019.

TODD E. KISER
Utah Insurance Commissioner



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.