

HELEN A. FROHLICH #8814
Assistant Attorney General
SEAN D. REYES #7969
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
Email: hfrohlich@agutah.gov

BEFORE THE UTAH INSURANCE COMMISSIONER

UTAH INSURANCE DEPARTMENT, Complainant,	AMENDED NOTICE OF INFORMAL ADJUDICATIVE PROCEEDING AND ORDER
vs.	
ACCESS DENTAL PLAN OF UTAH, INC.,	Docket No. 2020-4197
Respondent.	Lisa Watts Baskin Presiding Officer

NOTICE OF INFORMAL ADJUDICATIVE PROCEEDING

The Utah Insurance Department (“the Department”) commences this informal adjudicative proceeding against Access Dental Plan of Utah, Inc. (“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 -8.

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. Within 15 days of the date of this Order, Respondent shall provide the Department with the following information: (1) the delegate services agreement referred to in the correspondence dated October 31, 2019, from Alisha Hightower of Access Dental Plan of Utah; and (2) the SERFF tracking number of any policy forms for which Access Dental Plan of Utah has received premium.
3. Pursuant to Utah Code § 63G-4-203(1)(i) and Utah Admin. Code R590-160-8(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 Informal Adjudicative Proceeding 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 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 28th day of February, 2020.

TODD E. KISER
Utah Insurance Commissioner

/s/ Lisa Watts Baskin
LISA WATTS BASKIN
Presiding Officer
Utah Insurance Department
3110 State Office Building
Salt Lake City, UT 84114
801-538-3860
Email: 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

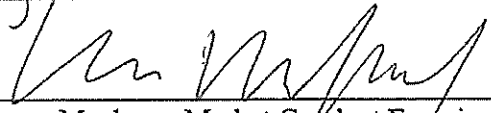
Under criminal penalty of Utah law, I, Karen Maybury, declare the following:

1. I am currently employed as a Market Conduct Examiner 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 Informal Adjudicative Proceeding and Order against Access Dental Plan of Utah, Inc. (“Respondent”) 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 a limited lines insurer domiciled in Utah. Respondent’s Utah license number is 167212.
 - b. Respondent is required by Utah Code § 31A-2-202(4) to promptly reply to a reasonable inquiry from the commissioner.
 - c. The Department sent a request for information to Respondent on October 24, 2019. Respondent replied on October 31, 2019; however, the documents supplied in response to the request were incomplete.
 - d. The Department sent subsequent requests for information to Respondent on December 9, 2019 and January 3, 2020.
 - e. To date, no response has been received by the Department to either of the subsequent requests.
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 promptly reply to a reasonable 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 25th day of February, 2020, at Salt Lake City, Utah.



Karen Maybury, Market Conduct Examiner
Utah Insurance Department