

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 \$12,000.00.
2. 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.
3. 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.
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 May, 2020.

TODD E. KISER
Utah Insurance Commissioner



LISA WATTS BASKIN
Presiding Officer
Utah Insurance Department
3110 State Office Building
Salt Lake City, UT 84114
801-538-3860
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 has been trying to obtain certain documents from Respondent since October 2019.
 - d. On February 26, 2020, the Commissioner issued an order requiring Respondent to submit (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, to the Department within 15 days. *See* UID v. Access Dental Plan of Utah, docket no. 2020-4197.
 - e. Respondent did not request a hearing. The deadline to provide the information required by the previous order was March 12, 2020. The Department sent letters by

email to Respondent on March 20, 2020 and March 31, 2020 asking Respondent to comply with the order.

f. On April 2, 2020, the required documents were received by the Department, 20 days after they were due.

g. Utah Code § 31A-2-308(1)(c)(ii) provides that “[t]he Commissioner may order any person who violates an order issued under Subsection 31A-2-204(4) to forfeit to the state not more than \$5,000 for each violation. Each day the violation continues is a separate violation.”

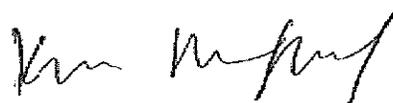
4. The above declared facts demonstrate that the following Utah insurance law(s) were not complied with:

a. Respondent violated Utah Code § 31A-2-202(4)(a) by failing to promptly reply to a reasonable inquiry from the commissioner.

b. Under Utah Code § 31A-2-308(1)(c)(ii), every day that an insurer is in violation of an order constitutes a separate violation. Respondent failed to submit documents within 15 days as required by the order entered on February 26, 2020. Respondent did not submit the documents until April 2, 2020. Respondent was in violation of the order for 20 days and each day constitutes a separate violation.

5. Based on Utah Code § 31A-2-308 and other similar enforcement cases, the proper forfeiture for the violations should be \$12,000.00.

DATED this 26th day of May, 2020, at Salt Lake City, Utah.



Karen Maybury, Market Conduct Examiner
Utah Insurance Department