

Department. After the discontinuance was filed, the form (Plan UTA 43) was no longer considered filed.

4. Respondent continued to market and sell Plan UTA43 until December 2016, eight months after filing the discontinuance. Respondent then continued to renew Plan UTA43 for three years. There are currently 173 policies in force.

5. The Department and Respondent have agreed to an administrative forfeiture of \$43,750.00.

CONCLUSIONS OF LAW

1. The Utah Insurance Commissioner (“Commissioner”) has jurisdiction over the parties and this informal 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. Utah Code § 31A-21-201(1)(a) provides that no form may be used until the form is filed with the commissioner, and that no form may be used that has not been filed with the commissioner. Respondent violated this provision by continuing to market, sell, and renew a form (Plan UTA43) after filing a discontinuance.

4. As penalties for the violations in this case, Respondent should be ordered to pay a forfeiture of \$43,750.00.

ORDER

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

1. Respondent shall pay a forfeiture of \$43,750.00 for the violations described in the

Conclusions of Law.

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

DATED this 21st day of September, 2020.

TODD E. KISER
Utah Insurance Commissioner

/s/ Reed Stringham – Designee
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NOTICE TO RESPONDENT

Failure to obey this Order may subject you to further penalties that include a forfeiture of up to \$2,500 per violation, with each day of the violation constituting a separate violation. Other penalties for failing to obey this Order may include license suspension, probation, refusal to renew, or revocation. Failure to obey this Order may also result in an action taken against you in a court of competent jurisdiction where forfeitures of up to \$10,000 for each day the failure to comply continues until judgment is rendered. If you are licensed in other jurisdictions, you may be required to report this proceeding to those jurisdictions.