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BEFORE THE UTAH INSURANCE COMMISSIONER

UTAH INSURANCE DEPARTMENT, Complainant, vs. DELAWARE LIFE INSURANCE COMPANY., Respondent.	FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER Docket No. 2020-4259
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Complainant, Utah Insurance Department ("Department") and Respondent, Delaware Life Insurance Company. ("Respondent"), have stipulated to entry of the following Findings of Fact, Conclusions of Law, and Order. Based upon that stipulation, and good cause appearing, the following are made and entered:

FINDINGS OF FACT

1. Respondent is a limited lines insurer domiciled in Delaware and holding Utah license number 725. Respondent sells life insurance and annuity products.
2. Respondent's mailing address is 1601 Trapelo Rd., Suite 30, Waltham, MA 02451-7360.
3. Respondent issued four annuity contracts to Utah consumers in 2017 which included a

rate factor table with different lifetime withdrawal benefits than those reflected in the pre-sale/marketing materials.

4. In November 2019, the annuitants were provided with a replacement table for their contract, effectively changing the terms of their contract.

5. In June 2020, the annuitants were advised that the Company would honor the table included in the original contract. The rate factor table in the original contract was more beneficial to the annuitants than the rate factor table in the pre-sale/marketing materials and advertisements.

6. The Department and Respondent have agreed to an administrative forfeiture of \$4,000.00.

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-21-111 provides that insurers shall follow the terms of an insurance policy issued or assumed by the insurer. Respondent violated this provision by issuing four annuity contracts to Utah consumers in 2017 which included a rate factor table with different lifetime withdrawal benefits than those reflected in the pre-sale/marketing materials.

4. As penalties for the violations in this case, Respondent should be ordered to pay a forfeiture of \$4,000.00.

ORDER

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

that:

1. Respondent shall pay a forfeiture of \$4,000.00 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 7th day of October, 2020.

~~TODD E. KISER~~ TANJI J. NORTHROP
Interim Utah Insurance Commissioner

jpc

/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.