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BEFORE THE UTAH INSURANCE COMMISSIONER

<p>UTAH INSURANCE DEPARTMENT, Complainant, vs. COLONIAL LIFE & ACCIDENT INSURANCE COMPANY, Respondent.</p>	<p>NOTICE OF AGENCY ACTION AND ORDER</p> <p>Docket No. 2020-4282</p> <p>Curtis L. Garner Presiding Officer</p>
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NOTICE OF AGENCY ACTION

The Utah Insurance Department (the "Department") commences this informal adjudicative proceeding against Respondent Colonial Life & Accident Insurance Company ("Respondent") pursuant to Utah Code §§ 31A-2-201 and 63G-4-201 through -203 and Utah Admin. Code R590-160.

This informal adjudicative proceeding 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

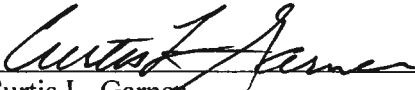
Based on the facts and the law set forth in the attached Declaration, and good cause appearing, the Utah Insurance Commissioner orders as follows:

1. Respondent shall forfeit to the Department the amount of \$500.00.
2. To avoid additional penalties, Respondent shall file a properly completed Utah Accident & Health Insurance Filing Certification with the Department within 15 calendar days of the date of this Order.
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 Agency Action and Order is emailed to Respondent unless a written 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 20th day of January, 2021.

JONATHAN T. PIKE
Acting Utah Insurance Commissioner



Curtis L. Garner
Presiding Officer
Utah Insurance Department
3110 State Office Building
Salt Lake City, UT 84114
801-538-3860
Email: uidadmindcases@utah.gov

NOTICE REGARDING ENFORCEMENT OF THIS ORDER

Failure to obey this Order may subject you to further penalties that include a forfeiture of up to \$5,000 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.

DECLARATION

Under criminal penalty of Utah law, I, Carrie Backus, declare the following:

1. I am currently employed as a Market Conduct Examiner with the Utah Insurance Department (“Department”) where my responsibilities include investigating and enforcing Utah insurance laws.

2. I submit this Declaration as the basis for issuing the Notice of Agency Action and Order against Colonial Life & Accident Insurance Company (“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 life insurer domiciled in the State of South Carolina and is authorized to do insurance business in the State of Utah. Respondent’s license number is 256.

b. On January 24, 2020, Respondent filed, via the System for Electronic Rate & Form Filing (“SERFF”), a rate & form filing which the Department granted “file for use.”

c. On March 2, 2020, the Department, via SERFF, filed an objection to Respondent’s Utah Accident & Health Insurance Filing Certification (“Filing Certification”) notifying Respondent that its Filing Certification was incorrect.

d. Respondent, via SERFF, submitted a response to the Department stating, “The Filing Certification has been updated and attached to the Supporting Documents tab for your review.”

e. On April 2, 2020, the Department, via SERFF, filed an objection to Respondent’s updated filing.

f. Respondent, via SERFF, responded to the Department objection stating, “The Filing Certification has been updated and attached to the Supporting Documents tab for your review.”

g. The Department’s review of Respondent’s updated filing indicated that it was incorrect.

h. On April 8th, 15th, and 16th, 2020, the Department attempted to contact a representative of Respondent, via telephone, to discuss correcting the Filing Certification. The Department’s representative was unable to reach anyone, so the representative left voicemail messages.

i. On April 17, 2020, the Department was able to reach a representative of Respondent regarding the incorrect filing. That person informed the Department’s representative that she would deliver a message regarding the incorrect Filing Certification to the appropriate person.

j. The Department has not received a corrected Filing Certification from Respondent.

4. The above declared facts demonstrate that the following Utah insurance law was not complied with:

a. Utah Admin. Code R590-220-6(4)(b), failing to file a properly completed and signed Utah Accident and Health Insurance Filing Certification.

5. Based on Utah Code § 31A-2-308 and other similar enforcement cases, the proper forfeiture amount for this violation is \$500.00.

Signed on this 19th day of January, 2021, at Salt Lake City, Utah.

/s/ Carrie Backus
Carrie Backus, Market Conduct Examiner
Utah Insurance Department