

EDWARD VASQUEZ #8640
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) 366-0367
Email: evasquez@agutah.gov

BEFORE THE UTAH INSURANCE COMMISSIONER

<p>UTAH INSURANCE DEPARTMENT, Complainant, vs. STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY, Respondent.</p>	<p>NOTICE OF AGENCY ACTION AND ORDER</p> <p>Docket No. 2021-4289</p> <p>Curtis L. Garner Presiding Officer</p>
--	---

NOTICE OF AGENCY ACTION

The Utah Insurance Department (the “Department”) commences this informal adjudicative proceeding against Respondent State Farm Mutual Automobile 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 \$3,000.00.


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 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.

3. A request for a hearing shall be sent by email to uidadmindcases@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 25th 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 State Farm Mutual Automobile 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 property and casualty insurer domiciled in the State of Illinois and is authorized to do insurance business in the State of Utah. Respondent’s license number is 716.

b. Respondent is an issuer of Medicare Supplement and Long-Term Care (“LTC”) products.

c. Pursuant to Utah Admin. Code R590-220-11(4), issuers of Medicare Supplement products are required to file their annual Medicare Supplement reports on or before May 31st.

d. Pursuant to Utah Admin. Code R590-220-13(3), issuers of LTC products are required to file their annual LTC reports on or before June 30th.

e. Pursuant to Utah Admin. Code R590-220-5(3), a rejected filing is not considered filed with the Department.

f. Regarding the filing of Respondent's annual Medicare Supplement reports, the following occurred:

i. On May 26, 2020, via the System for Electronic Rate and Form Filing ("SERFF"), Respondent filed its annual Medicare Supplement reports ("First Filing").

ii. On May 26, 2020, the Department filed a 72-Hour Notice: Corrections Required (Due 5/29/20), via SERFF, in response to Respondent's First Filing.

iii. On May 26, 2020, Respondent filed a response to the 72-Hour Notice, however, Respondent only partially corrected the errors in its First Filing.

iv. On June 1, 2020, the Department, via telephone, attempted to contact a representative of Respondent regarding its First Filing but was only able to leave a voicemail message.

v. On June 2, 2020, having received no response or corrected filing from Respondent, the Department marked Respondent's First Filing "Rejected."

vi. On June 5, 2020, via SERFF, Respondent again filed its annual Medicare Supplement reports ("Second Filing").

vii. On June 15, 2020, the Department issued an objection letter to Respondent regarding its Second Filing, requesting a response from Respondent by June 22, 2020.

viii. On June 24, 2020, having received no response from Respondent regarding the objection letter, the Department marked Respondent's Second Filing "Rejected."

ix. On June 26, 2020, Respondent, via SERFF, for a third time, filed its annual Medicare Supplement reports (“Third Filing”).

x. On June 29, 2020, the Department marked Respondent’s Third Filing “Received.”

g. Regarding the filing of Respondent’s annual LTC reports the following occurred:

i. On June 29, 2020, via SERFF, Respondent filed its annual LTC reports (“First LTC Filing”).

ii. On June 29, 2020, the Department filed a 72-Hour Notice: Corrections Required (Due 7/02/20), via SERFF, in response to Respondent’s First LTC Filing.

iii. On July 9, 2020, having received no response from Respondent regarding its objection, the Department marked Respondent’s First LTC Filing “Rejected.”

iv. On July 13, 2020, via SERFF, Respondent again filed its annual LTC reports (“Second LTC Filing”), which prompted another 72-Hour Notice: Corrections from the Department regarding the Second LTC Filing.

v. On July 27, 2020, after receiving corrections from Respondent to the Second LTC Filing, the Department marked the filing “Received.”

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

a. Utah Admin. Code R590-220-11(4), failing to file annual Medicare Supplement reports on or before May 31st.

b. Utah Admin. Code R590-220-13(3), failing to file annual Long Term Care reports on or before June 30th.

5. Based on Utah Code § 31A-2-308 and other similar enforcement cases, the proper forfeiture amount for this violation is \$3000.00.

Signed on this 21st day of January, 2021, at Salt Lake City, Utah.

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