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**BEFORE THE UTAH INSURANCE COMMISSIONER**

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UTAH INSURANCE DEPARTMENT,	NOTICE OF AGENCY ACTION AND ORDER
Complainant,	
vs.	
PRUDENTIAL INSURANCE COMPANY OF AMERICA,	Docket No. 2021-4299
Respondent.	Curtis L. Garner Presiding Officer

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**NOTICE OF AGENCY ACTION**

The Utah Insurance Department (“Department”) commences this agency action as an informal adjudicative proceeding against Respondent Prudential Insurance Company of America (“Respondent”) pursuant to Utah Code §§ 31A-2-201 and 63G-4-201 through -203 and to Utah Admin. Code R590-160.

This agency action 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 \$1,500.00.
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 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](mailto: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 in writing, 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 1st day of February, 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: [uidadmincases@utah.gov](mailto:uidadmincases@utah.gov)

**NOTICE REGARDING ENFORCEMENT OF THE ORDER**

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 in 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 (“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 Prudential Insurance Company of America (“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 an insurer domiciled in New Jersey and authorized to do insurance business in Utah. Respondent’s Utah license number is 654.

b. Respondent markets long term care insurance policies.

c. Pursuant to Utah Admin. Code R590-148-25 and R590-220(13)(3), Respondent is required to electronically file its Replacement and Lapse Report, its Claims Denial Report, its Rescission Report, and its Suitability Report (“the LTC reports”), together as one filing, on or before June 30<sup>th</sup> of each year.

d. On June 29, 2020, Respondent submitted its LTC reports. The Department rejected the filing due to errors related to completeness and compliance with filing submission requirements and sent Respondent a notice to correct the filing by July 2, 2020.

e. Respondent only partially corrected the submission and the Department rejected it on July 9, 2020.

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

g. On July 10, 2020, Respondent submitted a new filing of its 2019 LTC reports which was accepted.

h. Respondent's compliant 2019 LTC reports filing was submitted after the deadline of June 30.

i. In November of 2018, the Utah Insurance Commissioner imposed a \$750.00 forfeiture against Respondent for failing to timely file its Actuarial Certification Report. Utah Insurance Department v. Prudential Insurance Company of America, Docket No. 2018-4052.

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

a. Respondent violated Utah Admin. Code R590-220-13(3) by failing to electronically file its annual Long Term Care reports on or before June 30, 2020.

5. Based on Utah Code § 31A-2-308 and other similar enforcement cases, the proper forfeiture for the violations should be \$1,500.00.

DATED this 27<sup>th</sup> day of January, 2021, at Salt Lake City, Utah.

/s/ Karen Maybury

Karen Maybury, Market Conduct Examiner  
Utah Insurance Department