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**BEFORE THE UTAH INSURANCE COMMISSIONER**

UTAH INSURANCE DEPARTMENT,  Complainant,  vs.  WESTERN UNITED LIFE ASSURANCE COMPANY,  Respondent.	NOTICE OF AGENCY ACTION AND ORDER  Docket No. 2021-4304  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 Western United Life Assurance Company (“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 \$750.00.
2. To avoid additional penalties, Respondent shall file a compliant Medicare Supplement Annual Report for the 2019 calendar year within 15 days 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 request for a hearing on this matter is received from Respondent prior to that date.
4. A request for a hearing shall be in writing and 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 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 26th day of January, 2021.

JONATHAN T. PIKE  
Acting Utah Insurance Commissioner

  
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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 Informal Adjudicative Proceeding and Order against Western United Life Assurance 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 Washington and authorized to do insurance business in Utah. Respondent’s Utah license number is 161276.

b. Respondent issues Medicare Supplement products.

c. Pursuant to Utah Admin. Code R590-146-14(B) and (C), Utah Admin. Code R590-146-22, and Utah Admin. Code R590-220-11(4), Respondent is required to file an annual Medicare Supplement Refund or Credit Calculation Report, Premium Rates Report, 2010 Medicare Supplement Rate and Enrollment Data (as applicable), and Multiple Policies Report, together as one filing called a Medicare Supplement Annual Report, on or before May 31 of each year.

d. Respondent submitted a filing on May 20, 2020.

e. The Department sent an objection letter to the Respondent on May 26, 2020 because the filing was noncompliant. A response was due on May 28, 2020.

f. Respondent did not correct the filing and the Department rejected it on June 4, 2020.

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

h. To date, Respondent has not filed its Medicare Supplement Annual Report for the 2019 calendar year.

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

a. Respondent violated Utah Admin. Code R590-146-14(B) and (C), Utah Admin. Code R590-146-22, and Utah Admin. Code R590-220-11(4) by failing to file its Medicare Supplement Annual Report by May 31, 2020.

5. Based on Utah Code § 31A-2-308 and other similar enforcement cases, the proper forfeiture for the violations should be \$750.00.

DATED this 26<sup>th</sup> day of January, 2021, at Salt Lake City, Salt Lake County, Utah.

/s/ Karen Maybury  
Karen Maybury, Market Conduct Examiner  
Utah Insurance Department