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**BEFORE THE UTAH INSURANCE COMMISSIONER**

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UTAH INSURANCE DEPARTMENT,	FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER
Complainant,	
vs.	
GUARANTEE TRUST LIFE INSURANCE COMPANY,	Docket No. 2021- <del>4294</del> 4316 <i>JPC</i>
Respondent.	Donald H. Hansen Presiding Officer

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Complainant, Utah Insurance Department ("Department"), and Respondent, Guarantee Trust 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 Presiding Officer makes and enters the following:

**FINDINGS OF FACT**

1. Respondent is an insurer domiciled in Illinois and authorized to offer accident and health products in the state of Utah under license number 384.
2. Respondent's mailing address is Guarantee Trust Life Insurance Company, 1275 Milwaukee Ave., Glenview, IL 60025.

3. On August 9, 2019, Respondent submitted a form filing (SERFF tracking # GRIT-132043464).
4. The Department issued an order to prohibit use of the filing on October 30, 2019.
5. On January 16, 2020, Respondent again submitted the same forms (SERFF tracking # GRIT-132226027) (“the January 16 filing”).
6. The January 16 filing description stated that none of the provisions in the filing had been previously objected to or prohibited.
7. The certification form for the January 16 filing indicated “n/a” in response to the statement “This is a new filing in reference to a previously rejected or prohibited filing.”
8. Respondent failed to reference the previously prohibited filing in the January 16 filing.
9. The Department and Respondent have agreed to an administrative forfeiture of \$1,500.00.

#### **CONCLUSIONS OF LAW**

1. The Utah Insurance Commissioner (“Commissioner”) has jurisdiction over the parties and this 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 pursuant to Utah Code § 31A-2-308.
3. Utah Admin. Code R590-220-6(4)(a)(iii) requires a filer to outline in the Filing Description whether any provision has been previously objected to or prohibited. The Filing Description for the January 16 filing stated that none of the provisions in the filing had been previously objected to or prohibited, which was inaccurate.

4. Utah Admin. Code R590-220-6(4)(b) requires the filer to certify that a filing has been properly completed and complies with Utah laws and rules. Filings must include a properly completed and signed certification form. The certification form for the January 16 filing incorrectly indicated “n/a” in response to the statement “This is a new filing in reference to a previously rejected or prohibited filing.”

5. Utah Admin. Code R590-220-17(2)(d) requires a new filing to reference a previously prohibited filing. Respondent violated this rule by resubmitting a filing but did not referencing the previously prohibited filing.

6. As penalties for the violations in this case, Respondent should be ordered to pay a forfeiture of \$1,500.00.

### **ORDER**

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

1. Respondent shall pay a forfeiture of \$1,500.00 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 7 day of April, 2021.

JONATHAN T. PIKE  
Utah Insurance Commissioner



DONALD H. HANSEN  
Presiding Officer  
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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 in those jurisdictions.