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BEFORE THE UTAH INSURANCE COMMISSIONER

UTAH INSURANCE DEPARTMENT, Complainant, vs. MAXIMUM SENIOR BENEFITS, Respondent.	FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER Docket No. 2022-4369 Donald H. Hansen Administrative Law Judge/Presiding Officer
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Complainant, Utah Insurance Department ("Department") and Respondent, Maximum Senior Benefits, 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 a resident producer organization holding Utah license number 396620.
2. Respondent's mailing address is 901 West Goosenest Drive, Elk Ridge, UT 84651.
3. On October 30, 2020, the Department issued a Private Letter of Admonition to

Respondent for violating Utah Code § 31A-23a-402 and Utah Admin. Code R590-130-6 by sending mailers to Utah consumers that appeared to be from a government agency.

4. In August 2021, the Department opened another investigation regarding Respondent's advertising mailers.

5. During the investigation, the Department found that Respondent had again allowed a third-party vendor to send advertising mailers to Utah consumers that would cause a reasonable person to mistakenly believe that a state or federal agency created the advertisement.

6. The format and envelope of the mailer made it look like an official mailer from the IRS.

7. The mailers did not disclose that they were associated with an insurance licensee.

8. The Department and Respondent have agreed to an administrative forfeiture of \$23,446.50.

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. Utah Code § 31A-2-308.

3. Respondent violated Utah Code § 31A-23a-402 by using an advertisement that would cause a reasonable person to mistakenly believe that it came from a state or federal agency.

4. Respondent violated Utah Admin Rule R590-130-6 when the format and content of its advertisement was not complete and clear to avoid deceiving or misleading the reader or viewer.

5. Respondent violated Utah Admin Rule R590-154-6 when its mailers failed to disclose

that it was an insurance licensee.

6. As penalties for the violations in this case, Respondent should be ordered to pay a forfeiture of \$23,446.50

ORDER

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

1. Respondent shall pay a forfeiture of \$23,446.50 for the violations described in the Conclusions of Law. The forfeiture shall be paid in full to the Department no later than 30 days after this Order is signed.

2. Respondent is ordered not to commit the violations described in the Conclusions of Law in the future.

DATED this 7th day of February, 2022.

JONATHAN T. PIKE
Utah Insurance Commissioner

/s/ Donald H. Hansen
Donald H. Hansen
Administrative Law Judge/Presiding Officer
Utah Insurance Department
4315 South 2700 West, Suite 2300
Taylorsville, UT 84159
801-957-9321
Email: uidadmincases@utah.gov

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.

CERTIFICATE OF SERVICE

The undersigned certifies that on this date a true and correct copy of the foregoing

Findings of Fact, Conclusions of Law and Order was emailed to:

Andrea Wolf
Corporate Compliance Manager
Amerilife
[REDACTED]

Helen A. Frohlich
Assistant Attorney General
hfrohlich@agutah.gov

DATED this 7th day of February, 2022.

/s/ Jeanine Couser
Jeanine Couser
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