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BEFORE THE UTAH INSURANCE COMMISSIONER

UTAH INSURANCE DEPARTMENT, Complainant, vs. GERBER LIFE INSURANCE COMPANY, Respondent.	FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER Docket No. 2022-4408 Donald H. Hansen Administrative Law Judge/Presiding Officer
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Complainant, Utah Insurance Department ("Department") and Respondent, Gerber Life Insurance Company ("Gerber"), 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. Gerber is an insurer domiciled in New York and authorized to do insurance business in Utah. Gerber holds Utah license number 363.
2. Gerber's mailing address is [REDACTED].

3. The Department received information during a separate investigation that indicated Gerber had marketed and sold coverage in Utah through the National Association of Preferred Providers, an unapproved association.

4. The Department opened an investigation regarding Gerber in November 2021.

5. During the investigation, the Department determined that Gerber had issued certificates to Utah residents for policies that had not been filed in Utah.

6. The Department and Gerber have agreed to an administrative forfeiture of \$317,750.00.

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. Utah Code § 31A-2-308.

3. Gerber violated Utah Code § 31A-21-201(1)(a) when it issued certificates to Utah residents for policies that had not been filed in Utah.

4. As penalties for the violations in this case, Gerber should be ordered to pay a forfeiture of \$317,750.00.

ORDER

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

1. Gerber shall pay a forfeiture of \$317,750.00 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. Gerber shall comply with Utah Code § 31A-21-201(1)(a) and shall file all necessary forms with the commissioner before using, selling, or offering them for sale.

DATED this 26th day of July, 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 \$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 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:

Abbey Blank
Gerber Life Insurance Company
[REDACTED]

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

DATED this 26th day of July, 2022.

/s/ Jeanine Couser
Jeanine Couser
Utah Insurance Department
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Taylorsville, UT 84129
801-957-9321