

SHELLEY A. COUDREAUT (9663)  
Assistant Attorney General  
SEAN D. REYES (7969)  
Attorney General  
Attorneys for Utah Insurance Department  
160 East 300 South, 5th Floor  
P.O. Box 140874  
Salt Lake City, Utah 84114-0874  
Telephone: (801) 366-0375  
Email: sacoudreaut@agutah.gov

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**BEFORE THE UTAH INSURANCE COMMISSIONER**

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UTAH INSURANCE DEPARTMENT,  Complainant,  vs.  OPTICARE OF UTAH, INC.,  Respondent.	FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER  Docket No. 2022-4430  Donald H. Hansen Administrative Law Judge/Presiding Officer
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Complainant, Utah Insurance Department ("Department") and Respondent, Opticare of Utah, Inc., 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 holding a certificate of authority, Utah number 1667.
2. Respondent's mailing address is [REDACTED].
3. Pursuant to Utah Code §31A-4-113(1) an insurer is required to file annually with the commissioner, before March 1<sup>st</sup>, a true statement of the authorized insurer's financial condition,

transactions, and affairs as of December 31<sup>st</sup> of the preceding year.

4. On July 12, 2021, Respondent failed to meet its filing extension deadline by filing its March 1, 2021, quarterly statement twelve days late. This violated Utah Code §§ 31A-4-113(1) and 31A-4-113.5(1). The Department chose not to seek a forfeiture for this violation because it was a first-time occurrence, and the delay was not substantial.

5. However, Respondent again failed to meet its filing extension deadline when it failed to file its March 1, 2022, quarterly statement by the filing extension date of May 31, 2022. This violated Utah Code §§ 31A-4-113(1) and 31A-4-113.5(1).

6. Pursuant to Utah Admin. Code R590-254-4, an insurer shall have an annual audit by an independent certified public accountant and shall file an audited financial report with the commissioner on or before June 1<sup>st</sup> for the preceding year ending December 31<sup>st</sup>.

7. Respondent failed to file its June 1, 2022, audited financial statement for the preceding year ending December 31, 2021, by the filing extension date of June 30, 2022. This violated Utah Admin. Code R590-254-4.

8. The Department and Respondent have agreed to an administrative forfeiture of \$2,500.00.

### **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. Utah Code § 31A-2-308.

3. Respondent violated Utah Code §§ 31A-4-113(1) and 31A-4-113.5(1) when it failed

to file its March 1, 2022, quarterly statement by the filing extension date of May 31, 2022.

4. Respondent violated Utah Admin Rule R590-254-4 when it failed to file its June 1, 2022, audited financial statement for the preceding year ending December 31, 2021, by the filing extension date of June 30, 2022.

5. As a penalty for the violations in this case, Respondent should be ordered to pay a forfeiture of \$2,500.00.

### **ORDER**

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

1. Respondent shall pay a forfeiture of \$2,500.00 for the violations described in the Conclusions of Law. Payment in full is due within thirty days of this order.
2. Respondent is ordered not to commit the violations described in the Conclusions of Law in the future.

DATED this 12<sup>th</sup> day of October, 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 84129  
801-957-9321  
Email: [uidadmincases@utah.gov](mailto: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:

Opticare of Utah, Inc.  
Attention Aaron Schubach, CEO

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Opticare of Utah, Inc.  
Attention: Som Chivukula, CFO

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Shelley A. Coudreaut  
Assistant Attorney General  
[sacoudreaut@agutah.gov](mailto:sacoudreaut@agutah.gov)

DATED this 12<sup>th</sup> day of October, 2022.

/s/ Jeanine Couser  
Jeanine Couser  
Utah Insurance Department  
4315 South 2700 West, Suite 2300  
Taylorsville, UT 84129  
801-957-9321