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BEFORE THE UTAH INSURANCE COMMISSIONER

UTAH INSURANCE DEPARTMENT, Complainant, vs. OPTICARE OF UTAH, INC., Respondent.	FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER Docket No. 2023-4468 Donald H. Hansen Administrative Law Judge/Presiding Officer
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Complainant, Utah Insurance Department ("Department") and Respondent, Opticare of Utah, Inc., ("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 holding Utah certificate of authority number 1667.
2. Respondent's mailing address is [REDACTED].
3. 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 1st for the preceding year ending December 31st.

4. Respondent was previously assessed a \$1,250 forfeiture for failing to file its audited financial statements for the year ending December 31, 2021 by the filing extension date of June 30, 2022. See Utah Insurance Department vs. Opticare of Utah, Inc., Docket No. 2022-4430, October 12, 2022.

5. To date, Respondent has failed to file its December 31, 2021, Audited Financial Statements, in continued violation of Utah Admin. Code R590-254-4.

6. The Department and Respondent have agreed to an administrative forfeiture of \$5,000.00.

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. Respondent continued to violate Utah Admin Rule R590-254-4 by failing 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.

4. As a penalty for the violations in this case, Respondent should be ordered to pay a forfeiture of \$5,000.00.

ORDER

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

that:

1. Respondent shall pay a forfeiture of \$5,000 for the violations described in the Conclusions of Law.
2. The forfeiture shall be paid in full to the Department no later than 30 days after this order is signed.
3. Respondent is ordered not to commit the violation described in the Conclusions of Law in the future.

DATED this 9th day of February, 2023.

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
Telephone: 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:

Opticare of Utah, Inc.
Attention Aaron Schubach, CEO

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

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

DATED this 9th day of February, 2023.

/s/ Jeanine Couser
Jeanine Couser
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801-957-9321