

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

BEFORE THE UTAH INSURANCE COMMISSIONER

UTAH INSURANCE DEPARTMENT, Complainant, vs. CRISTAL RODRIQUEZ, Respondent.	FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER Docket No. 2023-4492 Donald H. Hansen Administrative Law Judge/Presiding Officer
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Complainant, Utah Insurance Department ("Department") and Respondent, Cristal Rodriguez, 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 non-resident producer individual licensee, domiciled in Texas, holding Utah license number 782705.

2. Respondent's mailing address is [REDACTED].

3. Respondent was the subject of a consumer complaint and subsequent investigation by the Department's Producer Licensing Division.

4. Respondent, working as a tele-sales agent for Cigna Health & Life Ins. Co. (Cigna), was one of twelve (12) tele-sales agents terminated for cause for improper use of the "MOVE" Special Enrollment Period (SEP) code to enroll beneficiaries in Medicare Advantage Plans. The beneficiaries would not have qualified for the plan had the Respondent not fraudulently used the special enrollment period code.

5. During a regular tele-sales audit, Cigna's Sales Integrity Team discovered that in an April 15, 2022, call, a tele-sales agent had inappropriately used an SEP enrollment code. The Cigna Ethics Office expanded the audit to other agents and determined that the Respondent had used the "MOVE SEP enrollment code twenty-five (25) times in 2022, of which, fifteen (15) were deemed inappropriate enrollments. During an interview with the Ethics Office attorney and investigator, the Respondent admitted to knowingly misusing the "MOVE" SEP when it was not appropriate.

6. In her September 15, 2022, response to the Department's request for information, dated September 2, 2022, the Respondent indicated she was new to the Medicare business, and understood that she had made a mistake, but appeared surprised that she had been terminated without being offered more training.

7. As a result of the Respondent's violations, the Department and Respondent have agreed to an administrative forfeiture of \$1,875.00.

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 violated Utah Code § 31A-23a-111(5)(b)(xvi), when in the conduct of business in this state or elsewhere, used fraudulent, coercive, or dishonest practices, or demonstrated incompetence, untrustworthiness, or financial irresponsibility.
4. Respondent violated Utah Code § 31A-23a-111(5)(b)(ii), by violating an insurance statute or rule that is valid under Subsection 31A-2-201(3) as outlined herein.
5. Respondent violated Utah Code § 31A-23a-111(5)(b)(xxiv), by engaging in a method or practice in the conduct of business that endangers the legitimate interests of customers and the public.
6. As a penalty for the violations in this case, the Respondent should be ordered to pay a forfeiture of \$1,875.00.

ORDER

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

1. Respondent shall pay a forfeiture of \$1,875.00 for the violations described in the Conclusions of Law. The forfeiture shall be paid in full to the Department no later than thirty (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 12th day of April 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
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 being 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 electronically mailed to:

Cristal Rodriguez

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████████████████████
████████████████████

and

Shelley A. Coudreaut
Assistant Attorney General
sacoudreaut@agutah.gov

DATED this 12th day April 2023.

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