

HELEN A. FROHLICH #8814
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: hfrohlich@agutah.gov

BEFORE THE UTAH INSURANCE COMMISSIONER

UTAH INSURANCE DEPARTMENT, Complainant, vs. ALLIANZ LIFE INSURANCE COMPANY OF NORTH AMERICA, Respondent.	NOTICE OF AGENCY ACTION AND ORDER Docket No. 2023-4515 Donald H. Hansen Administrative Law Judge/Presiding Officer
---	--

NOTICE OF AGENCY ACTION

The Utah Insurance Department (“the Department”) commences this agency action as an informal adjudicative proceeding against Respondent Allianz Life Insurance Company of North America (“Respondent”) pursuant to Utah Code §§ 31A-2-201 and 63G-4-201 through -203 and to Utah Admin. Code R590-160.

This agency action is based on the facts and law set forth in the attached Declaration and is designated as an informal adjudicative proceeding pursuant to Utah Code § 63G-4-202(1) and Utah Admin. Code R590-160-4 and -7.

ORDER

Based on the facts and the law set forth in the attached Declaration, and good cause appearing, the Utah Insurance Commissioner orders as follows:

1. Respondent shall forfeit to the Department the amount of \$1,000.00.
2. Pursuant to Utah Code § 63G-4-203(1)(i) and Utah Admin. Code R590-160-7(1), this informal adjudicative proceeding shall be closed, and this Order shall become final and take full effect, 15 days after this Notice of Agency Action and Order is emailed to Respondent unless a request for a hearing on this matter is received from Respondent prior to that date.
3. A request for a hearing shall be in writing and sent by email to uidadmincases@utah.gov or by U.S. mail to Office of the Administrative Law Judge, Utah Insurance Department, 4315 S. 2700 W., Taylorsville, UT 84129.
4. The request for hearing shall state the basis for the relief requested.
5. If you fail to request a hearing you will be bound by this Order. Failure to request a hearing is a failure to exhaust administrative remedies and precludes any further administrative or judicial review or appeal of this matter.

DATED this 22th day of May, 2023.

JONATHAN T. PIKE
Utah Insurance Commissioner

/s/ Donald H. Hansen

DONALD H. HANSEN
Administrative Law Judge/Presiding Officer
Utah Insurance Department
4315 S. 2700 W., Suite 2300
Taylorsville, UT 84129
Telephone: 801-957-9321
Email: uidadmincases@utah.gov

NOTICE REGARDING ENFORCEMENT OF THE ORDER

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.

DECLARATION

Under criminal penalty of Utah law, I, Kathleen Jaques, declare the following:

1. I am currently employed as a Market Conduct Examiner with the Utah Insurance Department (“Department”) where my responsibilities include investigating and enforcing Utah insurance laws.

2. I submit this Declaration as the basis for issuing the Notice Agency Action and Order against Allianz Life Insurance Company of North America (“Respondent”) to which this Declaration is attached.

3. Based on my personal knowledge and/or based on the facts appearing in the Department’s records and files, the following facts are true:

- a. Respondent is a life insurer domiciled in Minnesota and authorized to do insurance business in Utah. Respondent’s Utah license number is 1902.
- b. Respondent markets long-term care (“LTC”) insurance policies.
- c. Pursuant to Utah Admin. Code R590-148-25, Respondent is required to electronically file its Replacement and Lapse Report, its Claims Denial Report, its Rescission Report, and its Suitability Report (“the LTC reports”), together as one filing, on or before June 30th of each year.
- d. Pursuant to Utah Admin. Code R590-220(13)(3), the LTC reports are to be electronically submitted to the Department as one filing.
- e. Pursuant to Utah Admin. Code R590-148-25(6) and Utah Admin. Code R590-220-13(3), the LTC reports are due annually on or before June 30.
- f. On May 19, 2022, Respondent submitted its LTC reports for the 2021 filing year.

The Department rejected the filing due to errors related to completeness and compliance

with filing submission requirements and sent Respondent a notice to correct the filings by July 11, 2022.

g. Respondent did not correct the submissions and the Department rejected them on July 14, 2022. Pursuant to Utah Admin. Code R590-220-5(3), a rejected filing is not considered filed with the Department.

h. On September 30, 2022, Respondent submitted a new filing of its 2021 LTC reports. The Department rejected the filing and sent Respondent a notice to correct the filing.

i. Respondent submitted an amendment on November 22, 2022, which was accepted.

j. All of Respondent's LTC reports were submitted after the deadline of June 30.

4. The above declared facts demonstrate that the following Utah insurance law(s) were not complied with:

a. Respondent violated Utah Admin. Code R590-220-13(3) by failing to electronically file its annual Long Term Care reports on or before June 30, 2022.

5. Based on Utah Code § 31A-2-308 and other similar enforcement cases, the proper forfeiture for the violation should be \$1,000.00. The forfeiture shall be paid in full to the Department no later than 30 days after the Order is signed.

DATED this 19th day of May, 2023, at Salt Lake City, Utah.

/s/ Kathleen Jaques
Kathleen Jaques, Market Conduct Examiner
Utah Insurance Department

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this date a true and correct copy of the foregoing
Notice of Agency Action and Order, with the Declaration attached to it, was emailed to:

Joel Hoememan
Allianz Life Insurance Company of North America
[REDACTED]

and

Kathleen Jaques
Utah Insurance Department
kathleenjaques@utah.gov

DATED this 22th day of May, 2023.

/s/ Tatiana Karaivanova

Tatiana Karaivanova
Utah Insurance Department
4315 S. 2700 W., Suite 2300
Taylorsville, UT 84129
(801) 957-9321