

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](mailto:hfrohlich@agutah.gov)

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**BEFORE THE UTAH INSURANCE COMMISSIONER**

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UTAH INSURANCE DEPARTMENT,  Complainant,  vs.  PRUDENTIAL INSURANCE COMPANY OF AMERICA,  Respondent.	NOTICE OF AGENCY ACTION AND ORDER  Docket No. 2023-4520  Donald H. Hansen Administrative Law Judge/Presiding Officer
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**NOTICE OF AGENCY ACTION**

The Utah Insurance Department (the “Department”) commences this agency action as an informal adjudicative proceeding against Respondent Prudential Insurance Company of 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 \$2,000.00.
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](mailto: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 31<sup>st</sup> day of May, 2023.

JONATHAN T. PIKE  
Utah Insurance Commissioner

*/s/ Donald H. Hansen*

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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](mailto:uidadmincases@utah.gov)

### **NOTICE REGARDING ENFORCEMENT OF THE ORDER**

Failure to obey the 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 to those jurisdictions.

## **DECLARATION**

Under criminal penalty of Utah law, I, Karen Maybury, 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 of Informal Adjudicative Proceeding and Order against Prudential Insurance Company of 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 New Jersey and authorized to do insurance business in Utah. Respondent’s Utah license no. is 654.
- b. Respondent maintains a health benefit plan issued prior to March 23, 2010, and is required by Utah Code § 31A-30-106(4)(b)(i), Utah Admin. Code R590-167-11(1), and R590-220-10(4) to file an actuarial certification of compliance with Chapter 30 on or before April 1<sup>st</sup> of each year.
- c. On April 4, 2022, Respondent submitted its actuarial certification of compliance with Chapter 30 for the 2021 reporting year.
- d. The Department accepted the filing and marked it received on April 5, 2022.
- e. Respondent was previously assessed a forfeiture of \$3,500.00 for failing to file its long-term care reports for 2020 on or before June 30, 2021. *See Utah Insurance Department v. Prudential Insurance Company of America*, Docket No. 2022-4376, February 15, 2022.

f. Respondent was previously assessed a forfeiture of \$1,500.00 for failing to file its long-term care reports for 2019 on or before June 30, 2020. *See* Utah Insurance Department v. Prudential Insurance Company of America, Docket No. 2019-4106, February 1, 2021.

g. Respondent was previously assessed a forfeiture of \$750.00 for failing to file its Actuarial Certification Report. *See* Utah Insurance Department v. Prudential Insurance Company of America, Docket No. 2018-4052, November 1, 2018.

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

a. Respondent violated Utah Code § 31A-30-106(4)(b)(i), Utah Admin. Code R590-167-11(1), and R590-220-10(4) by failing to file its actuarial certification of compliance with Chapter 30 for the 2021 reporting year on or before April 1, 2022.

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

Signed on this 26<sup>th</sup> day of May, 2023, at Salt Lake City, Utah.

/s/ Karen Maybury  
Karen Maybury, 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:

Prudential Insurance Company of America  
[REDACTED]

and

Karen Maybury  
Utah Insurance Department  
[kmaybury@utah.gov](mailto:kmaybury@utah.gov)

DATED this 31<sup>st</sup> day of May, 2023.

*/s/ Tatiana Karaivanova*

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