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**BEFORE THE UTAH INSURANCE COMMISSIONER**

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UTAH INSURANCE DEPARTMENT,  Complainant,  vs.  RESERVE NATIONAL INSURANCE COMPANY,  Respondent.	NOTICE OF AGENCY ACTION AND ORDER  Docket No. 2023-4533  Donald H. Hansen Administrative Law Judge/Presiding Officer
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**NOTICE OF AGENCY ACTION**

The Utah Insurance Department (“Department”) commences this agency action as an informal adjudicative proceeding against Respondent Reserve National Insurance Company (“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](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 17<sup>th</sup> day of July, 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](mailto: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 of Agency Action and Order against Reserve National Insurance Company (“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 Illinois and authorized to do insurance business in Utah. Respondent’s Utah license number is 1030.
  - b. Respondent is required to file an annual Medicare Supplement Refund or Credit Calculation Report, Premium Rates Report, 2010 Medicare Supplement Rate and Enrollment Data (as applicable), and Multiple Policies Report, together as one filing called a Medicare Supplement Annual Report, on or before May 31 of each year.
  - c. On August 23, 2022, Respondent submitted its Medicare Supplement Annual Report for 2021. The Department sent Respondent a 72-Hour notice on August 24, 2022, outlining noncompliant filing provisions. The issues were resolved and the Department accepted the filing on September 12, 2022.
  - d. Respondent’s compliant 2021 Medicare Supplement Annual Report filing was submitted after the deadline of May 31, 2022.

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

a. Respondent violated Utah Admin. Code R590-146-14(B) and (C), Utah Admin. Code R590-146-22, and Utah Admin. Code R590-220-11(4) by not filing a compliant Medicare Supplement Annual Report by May 31, 2022.

5. Based on Utah Code § 31A-2-308 and other similar enforcement cases, the proper forfeiture for the violations should be \$1,000.00.

DATED this 15<sup>th</sup> day of July, 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:

Scott Snider  
Assistant Vice President and Senior Counsel  
Reserve National Insurance Company  
[REDACTED]

and

Kathleen Jaques  
Utah Insurance Department  
[REDACTED]

DATED this 17<sup>th</sup> day of July, 2023.

/s/ Jeanine Couser  
Jeanine Couser  
Utah Insurance Department  
4315 S. 2700 W., Suite 2300  
Taylorsville, UT 84129  
(801) 957-9321