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**BEFORE THE UTAH INSURANCE COMMISSIONER**

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<p style="text-align: center;">UTAH INSURANCE DEPARTMENT,  Complainant,  vs.  LINCOLN NATIONAL LIFE INSURANCE COMPANY,  Respondent.</p>	<p style="text-align: center;">NOTICE OF AGENCY ACTION AND ORDER</p> <p>Docket No. 2024-4644</p> <p>Donald H. Hansen Administrative Law Judge/Presiding Officer</p>
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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 Lincoln National Life 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. The forfeiture shall be paid in full to the Department no later than 30 days after this order is signed.
3. Respondent shall electronically file via SERFF its 2023 reporting year Replacement and Lapse Report, Claims Denial Report, Rescission Report, and Suitability Report (“long-term care reports”), making any corrections noted in the Department’s objection.
4. The long-term care reports shall be filed no later than 30 days after this order is signed.
5. 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.
6. 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.
7. The request for hearing shall state the basis for the relief requested.

8. 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 12<sup>th</sup> day of September 2024.

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 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, Carrie Backus, 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 Lincoln National Life 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 Indiana and authorized to do insurance business in Utah. Respondent’s Utah license number is 460.

b. Respondent markets long term care insurance policies and is required by Utah Admin. Code R590-148-25 and R590-220-15(3) to electronically file its Replacement and Lapse Report, its Claims Denial Report, its Rescission Report, and its Suitability Report (“long-term care reports”), together as one filing, on or before June 30<sup>th</sup> of each year.

c. Respondent submitted a filing of its long-term care reports for the 2023 reporting year on June 27, 2024, but the Department rejected the filing. Pursuant to R590-220-5(3), a rejected filing is not considered filed with the Department and must be submitted as a new filing.

d. To date, Respondent has not submitted a compliant filing for the 2023 reporting year.

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

a. Respondent violated Utah Admin. Code R590-148-25 and R590-220-15(3) by failing to electronically file its annual long-term care reports for the 2023 reporting year on or before June 30, 2024.

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

Signed on this 12<sup>th</sup> day of September 2024 in Salt Lake City, Salt Lake County, State of Utah.

/s/ Carrie Backus  
Carrie Backus, 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:

Lincoln National Life Insurance Company

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

and

Carrie Backus

██████████  
Utah Insurance Department  
4315 S. 2700 W., Suite 2300  
Taylorsville, UT 84129

DATED this 12<sup>th</sup> day of September 2024.

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