

# the Colorado Regulator

Summer 2008

A Publication of the Colorado Division of Insurance

## COMMISSIONER'S COLUMN

**Bill Ritter, Jr.**  
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State of Colorado

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Executive Director  
Department of  
Regulatory Agencies

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Commissioner  
of Insurance

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Now that the dust has settled, I'd like to take this opportunity to give my perspective on the 2008 legislative session. It was an important year for the Division, and we worked hard to keep consumer protection on the minds of Colorado's policymakers. Our working relationships with the broader Department of Regulatory Agencies (DORA), the Governor's Office, and legislators on both sides of the aisle helped move our priority legislation forward. I feel we succeeded in many of our efforts, and I appreciate the valuable input and cooperation we received from industry representatives and consumer advocacy groups. I'd like to highlight just a few of the bills that affect the Division and our consumers.



HB 1043 – In 2001, the Division established the Consumer Insurance Council, which served "at the pleasure" of successive Commissioners, but operated without any statutory authority. HB1043 codifies the Council into state statute and supports the Department of Regulatory Agencies' focus on increased access to the regulatory process and outreach to consumers. It is an important step in giving a permanent voice to consumer concerns on insurance issues.

HB1228 – This bill gives the Commissioner the authority to order insurance companies and agents to pay restitution when a consumer is harmed due to an unlawful act. The Division's authority was previously limited to issuing fines and revoking or suspending a license, but these remedies don't help the harmed consumers get their money back. This provides the Division of Insurance with another tool we'll use to help protect and directly repay consumers.

HB1385 – The bill requires the Division to create a new "consumer guide" on our website that will help consumers better understand the costs and quality of their health insurance policies.



### INSIDE THIS ISSUE:

International Intern at DOI	2
Long Term Care Plan Appv'd	3
Title Updates	4
UIM/UM changes to law	5
Enforcement Actions	6

Continued on page 2

*Commissioner's Column, continued from first page*

As part of Governor Ritter's "Building Blocks" toward health care reform, this bill helps the Division build upon our current efforts with our website.

We continually try to have best, most relevant information available, in order to help consumers make better informed purchasing decisions.

If you haven't checked our website, please take a look at <http://www.dora.state.co.us> and click "Division of Insurance." More information is on the way.

HB1389 – Currently, Colorado works under a "file and use" system where insurance companies can file their rate increases and implement them immediately. This bill requires health insurance carriers to seek prior approval for any rate increases 60 days before implementing the rate. This legislation

significantly changes the way we currently review rates, and I'll be working closely with my staff to make sure it is efficiently and effectively implemented.

HB1407 increases the Commissioner's fining authority for the first time in more than 15 years. These increased fines will serve as an important tool to help protect consumers. The bill also provides remedies for unreasonable delay or denial of benefits.

There are many other bills, but this overview gives an idea of the wide variety of issues discussed in this year's session. I look forward to the implementation phase as we work with many partners and stakeholders to put the new laws into action.

*-Marcy Morrison*

## Insurance Hosts Intern from Egypt

Hatem Mohammed Nour Eldin, an insurance specialist for the Egyptian government's Egyptian Insurance Supervisory Authority (EISA), spent the month of May with the Colorado Division of Insurance through an internship organized by the National Association of Insurance Commissioners (NAIC.) His goal was to learn about the U.S. system of insurance and pick up a few pointers that he could take back to Egypt's regulatory body.

Consumer education is a large part of Hatem's job back in Egypt, where, he said, people forget to read their policies and aren't sure what might be covered. "People don't know their rights and responsibilities when it comes to insurance, nobody reads the rules, nobody reads their policies. Awareness is the weakest part right now," Hatem said. People often aren't aware of EISA's existence, and don't know that they can contact EISA for help with an insurance question or dispute. Hatem has been with EISA for about 13 years, starting soon after he graduated from college with a law degree.

He started as a market conduct examiner, but in 2000, when a new department was created to handle consumer complaints, Hatem became one of five people in the new "policyholder services" department.

"I'd like to see people get insurance because they think it's valuable," Hatem said, acknowledging Egypt is making progress in changing perceptions, but still has a long way to go. "We have continuing education for

producers, but we don't have consumer education yet. I would like to see this develop in Egypt, with all facets of consumer affairs."

Hatem returns home in June, ready to increase awareness of insurance issues.



**Hatem Mohammed Nour Eldin** is one of three property and casualty insurance specialists for the Egyptian government's Egyptian Insurance Supervisory Authority (EISA) serving the entire country's population of 80 million people. Another two specialists work with life insurance.

## Long-Term Care—New Public-Private Financing Plan Approved

By Tom Abel,  
Rates and Forms

Coloradans who purchase certain long-term care insurance policies will be able to protect more of their assets if they need to apply for Medicaid under a new state plan that recently received federal approval. Known as the Colorado Long-Term Care (LTC) Partnership, the plan is intended to give people greater control over how they finance their long-term care. Thinking about care choices before you need them gives you more time to choose what is right for you and your family. In 2006, about 98,197 Coloradans had a long term care insurance policy.

Currently, Coloradans must deplete most of their assets before state Medical Assistance, commonly known as Medicaid, will pay for their long-term care, whether it is in a nursing facility or their own home. Recent changes in federal law have restricted the ability of individuals and families to use estate planning techniques to transfer assets and artificially impoverish themselves in order to qualify for state assistance for long-term care.

With the LTC Partnership, a person who buys a policy worth \$100,000, for example,

would be able to protect up to an additional \$100,000 of their assets if they later need to apply for Medical Assistance.

By encouraging more Coloradans to purchase private coverage, the state hopes to curb spending by reducing reliance on state-paid, long-term care services and be better able to preserve the long-term care safety net.

The concept of a public-private partnership for long-term care financing was first conceived in the 1980s and piloted by four states – California, Connecticut, Indiana and New York – beginning in the early 1990s. However, subsequent federal law changes made it difficult for new states to enact such plans until the Deficit Reduction Act of 2005 removed such restrictions.

More information on the Colorado Long Term Care Partnership is available at:  
<http://www.coloradoltcpartnership.org>




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## System for Electronic Rate and Form Filings (SERFF) Changes

As of January 1, 2008, Colorado requires that all rate and loss cost filings MUST be submitted electronically through the System for Electronic Rate and Form Filings (SERFF.)

Please review the Industry Manual for SERFF v5 at <http://www.serff.com/> before submitting a filing.

***For more detailed information about filing Rates and Forms electronically, please see the Division of Insurance web site at:***

<http://www.dora.state.co.us/insurance/rtfo/RatesAndFormsMainPage.htm>

## Shopping Around for Title Insurance Rates



The majority of consumers are referred to title companies by their real estate agents or mortgage brokers when title insurance is needed, and the transparency of transactions within the industry can only serve to enhance consumer protection.

In 2007, a new feature was added to the Division of Insurance's website, giving the consumers the ability to easily comparison shop title insurance premiums – located in the "Information for Consumers" tab on the Division website:

<http://www.dora.state.co.us/insurance/>.

The Division collects the premium information directly from the underwriter on an annual basis. While the information provided is basic in nature it provides the consumer a starting point when comparing title insurance premiums.

### Title Advisory Council

*The Title Advisory Council meets quarterly and all meetings are open to the public. Dates for meetings are posted on the Division of Insurance web site.*

The Division continues to work as part of a collaborative team with the Title Advisory Council, a council comprised of representatives from area title companies, who work in concert with the Division in regards to title insurance issues, Colorado insurance laws, and federal Real Estate Settlement Procedures Act (RESPA) enforcement. The Title Advisory Council meets on a quarterly basis and is open to the public. Meeting dates are posted on the web.

### Title Rates and Fees on File

Colorado insurance laws and regulations require that all title insurance companies and agencies have on display and readily available for the public copies of their current rates and fees as they are on file with the Division of Insurance. The Division also maintains publicly available copies of these filings.

*Did You Know?*

### Affiliated Business Arrangements Must Be Disclosed

Colorado Revised Statute § 10-2-401(6) requires that every title entity disclose the names of all affiliated business arrangements to which the agent or the company is a party. To accomplish this, the Division of Insurance created the Affiliated Business Arrangement Disclosure Form, which must be completed and submitted with the license application.

This disclosure must accompany all new and renewal licensing applications. Additionally, if there are any changes to the reported information (i.e. change in ownership or address), the entity must report the changes within thirty (30) days of the change. If the title applicant is not a party to an affiliated business arrangement, the applicant must indicate that information on the form.



## Changes to Colorado Law: Uninsured/Underinsured Motorist Coverage

By *Bobbie Baca*,  
Property and Casualty Supervisor

In 2007, the Colorado Legislature passed a law which amended the existing the Uninsured/Underinsured Motorist statute. The law went into effect Jan. 1, 2008.

This law requires all insurance carriers writing automobile business in the state of Colorado to offer uninsured/underinsured motorists (UM/UIM) coverage to their automobile policyholders. This coverage is not mandatory; however, if an insured chooses not to carry this coverage it must be rejected in writing.

Uninsured Motorist coverage is in addition to any legal liability coverage and covers the difference, if any, between the amount of the limits of any legal liability coverage and the amount of the damages sustained up to the maximum amount of the coverage obtained pursuant to this section. In addition, this section states that a single premium covering multiple vehicles limits the applicability of the coverage to once per accident. However, if an insured pays a premium per vehicle he/she may stack those limits of insurance.

The changes also eliminate an insurance company's ability to prohibit the stacking of UM/UIM limits. Insurers are required to offer limits equal to the Bodily Injury limits.

These legislative changes have prompted many questions to the Colorado Division of Insurance by both consumers and producers.

Call the Division of Insurance if you have questions at 303-894-7499 or 800-930-3745 (outside metro Denver.)

## Frequently Asked Questions

### ***If a person has health insurance, is Uninsured/Underinsured Motorist Coverage needed?***

Some health insurance policies may not pay for injuries sustained in an automobile accident. Furthermore, passengers in a vehicle may not have health insurance that would cover injuries sustained in an auto accident; therefore, the passenger may have to bear the financial burden of the medical expenses. While an insured may purchase medical payments coverage, it may not be adequate to cover serious injuries sustained in an auto accident.

### ***Must the UM/UIM coverage match the liability limits on a policy?***

Coverage may be purchased in increments beginning with state minimums of \$25,000/50,000 up to, but not exceeding, the limits of liability on the individual insurance policy.

### ***If a person has more than one motor vehicle policy with one company, can the insurance company charge UM/UIM on each policy?***

The insurance company may choose to charge a premium per policy or per household; however, if charged per policy the UM/UIM coverage may be subject to stacking as defined in § 10-4-402 (3.5), Colorado Revised Statutes. This would include separate motorcycle policies.

### ***If an insured has three vehicles on a policy through one carrier and a motorcycle policy through another carrier, which carrier should charge for UM/UIM coverage?***

It may be more appropriate to have the coverage on the automobile policy. Since UM/UIM Coverage may be per household, the coverage should be applicable to the motorcycle as well; however, this may need to be interpreted by the courts. When in doubt, it may be advisable to purchase the coverage through both carriers.

## Enforcement Actions, July—December, 2007

The Colorado Division of Insurance took the following enforcement actions against producers, insurance companies and other entities from July 1, 2007 through December 31, 2007.

This information is a summary of the action taken. Please check the Division's website or contact the Division for detailed information.

For Market Conduct enforcement actions visit

<http://www.dora.state.co.us/insurance/mcexam/mcexam.htm>

For insurance company and producer enforcement actions visit

<http://www.dora.state.co.us/insurance/enforcement/ea.htm>

### **The following insurance companies were part of a Market Conduct exam:**

CIGNA Healthcare of Colorado, Inc  
 Claim handling  
 Rate violation  
 Underwriting  
 Monetary penalty of \$217,250.00  
 Connecticut General Life Insurance  
 Claim handling  
 Rate violation  
 Underwriting  
 Monetary penalty of \$207,250.00  
 Celtic Insurance Company  
 Claim handling  
 Underwriting  
 Monetary penalty of \$288,750.00  
 Nationwide Insurance Company of America  
 Monetary penalty of \$38,500.00  
 Nationwide Mutual Fire Insurance Company  
 Monetary penalty of \$6,000.00  
 Nationwide Mutual Insurance Company  
 Monetary penalty of \$8,500.00  
 Nationwide Property and Casualty Company  
 Monetary penalty of \$6,000.00  
 PacifiCare Life Assurance Company  
 Monetary penalty of \$46,000.00  
 Stewart Title Guaranty Company  
 Monetary penalty of \$50,000.00

### **The following insurance companies were fined for late and/or incomplete responses to the Division of Insurance:**

American Standard Insurance Company of Wisconsin  
 Automobile Insurance Company of Hartford  
 Balboa Insurance Company  
 Bankers Life and Casualty Company  
 Colorado Access  
 Commonwealth Annuity and Life Insurance Company  
 Continental Casualty Company  
 Equitable Life & Casualty Insurance Company  
 Globe Life and Accident Insurance Company  
 Guarantee Trust Life Insurance Company  
 Guardian Life Insurance Company of America  
 International Fidelity Insurance Company

### **The following insurance company was part of a Financial Exam:**

Colorado Access  
 Monetary penalty of \$2,000.00

## (continued) Enforcement Actions, July—December, 2007

### The following insurance companies were fined for late and/or incomplete responses to the Division of Insurance:

American Standard Insurance Company of Wisconsin	International Fidelity Insurance Company
Automobile Insurance Company of Hartford	Kaiser Foundation Health Plan of Colorado
Balboa Insurance Company	The Lincoln National Life Insurance Company (2)
Bankers Life and Casualty Company	MEGA Life and Health Insurance Company
Colorado Access	Mendota Insurance Company
Commonwealth Annuity and Life Insurance Company	National Union Fire Insurance Company of Pittsburgh, PA (3)
Continental Casualty Company	New York Life Insurance Company
Equitable Life & Casualty Insurance Company	PacifiCare of Colorado, Inc
Globe Life and Accident Insurance Company	The Prudential Insurance Company of America
Guarantee Trust Life Insurance Company	Rocky Mountain Hospital and Medical Service, Inc. (21)
Guardian Life Insurance Company of America	United Healthcare Insurance Company
	World Insurance Company (2)

### Enforcement actions were taken against the following insurance producers and unauthorized entities:

#### **Alexander, Bobbie**

Failure to file annual bail bond report;  
Revocation

#### **Bailey-Martin, Lisa V.**

Failure to file annual bail bond report  
Monetary penalty \$1,500; License revoked

#### **Barrett, Allison L.**

Failure to file annual bail bond report  
Monetary penalty of \$500.  
Stipulation

#### **Bath, Brian Edmond**

Criminal record/history; Failure to disclose on license application; Failure to respond; Lack of fitness/trustworthiness; Final agency order; Monetary penalty of \$10,500; License revoked

#### **Beach, James K.**

Failure to pay child support; License suspended

#### **Beardsley, Michael, Ryan Jr.**

Failure to pay child support; License suspended

#### **Blackwell, Dennis Carl**

Failure to register trade name prior to use; Monetary penalty of \$1000;  
Stipulation

**(continued) Enforcement Actions, July—December, 2007****Bradley, David K.**

Criminal record/history; Stipulation

**Branch, Michael A.**

Criminal history; License denied  
Final agency order

**Burney, Andrew C.**

Failure to pay child support; License suspended

**Casso Jr., Gary**

Bail bond forfeiture judgment;  
Fail to comply with previous order;  
Failure to pay fines; Failure to respond;  
Failure to timely file; License revoked;  
Monetary penalty of \$4,000; Stipulation

**Castor, Lurinda J.**

Failure to file bail bond report; License revoked

**Cook, Danette K.**

Failure to file bail bond report; Monetary penalty of \$1,000; License revoked

**Copley, Robert M. Sr**

Failure to file bail bond report; Monetary penalty of \$500; Final agency order

**Cruz, Charles L.**

Failure to pay child support; License suspended

**De Herrera, Jimmy**

Failure to respond; Fiduciary violation; Failure to report bonds; Monetary penalty of \$13,500; License revoked

**Edwinson, Dawn L.**

Failure to file bail bond report; Monetary penalty of \$1,500; License revoked

**Edwinson, Garth**

Failure to file annual bail bond report; Monetary penalty of \$500; Stipulation

**Ehrke, Roger J. Sr.**

Failure to file bail bond report  
License revoked

**Empire Fire and Marine Insurance Company**

Failure to timely file; Rate violation  
Monetary penalty of \$1,000.

**Erpelding, Gregory Charles**

Criminal record/history; Fail to disclose on license application; Failure to timely file; Monetary penalty \$13,000; License revoked

**Evinger, Micaiah R.**

Failure to pay child support; License suspended

**Everett, Vera**

Failure to file bail bond report; License revoked

**Fear, Kyla Beth**

Criminal record/history;  
Lack of fitness/trustworthiness;  
License denied

**Flohr, Frederick G.**

Failure to file bail bond reports; License revoked

**Gallina, Arlene M.**

Failure to timely file annual bail bond report; Monetary penalty of \$300; Stipulation

**Gittlein, Katherine**

Failure to file bail bond report; License revoked

**Glennon, Julie A.**

Fail to comply with previous order; License revoked  
Monetary penalty of \$8,000.

**Greer, Bryant A.**

Failure to timely file annual bail bond report; Monetary penalty of \$1,000; Stipulation

**(continued) Enforcement Actions, July—December, 2007****Gutierrez, Carlos L.**

Wrote 1 bail bond while suspended  
Monetary penalty of \$500; Stipulation

**Hardesty, Jay R.**

Issuance of insufficient fund check for  
licensing fee; Unauthorized insurance  
business; License granted  
Monetary penalty of \$4,000; Stipulation

**Harris, Sandra**

Failure to file bail bond report  
Monetary penalty of \$1,500; License  
revoked

**Hickey, Linda Elizabeth**

Failure to File 2005 Bail Bond Report;  
License revoked  
Monetary penalty of \$1,000.

**Hood, Ronda E.**

Failure to file bail bond report; License  
revoked

**Hooks Jr., Glyndell**

Criminal record/history; Final agency  
order; License denied

**Ibarra Jr, Raul JR**

Failure to pay child support; License  
suspended

**Jackson, Patricia A.**

Failure to file bail bond report;  
Monetary penalty of  
\$1,500; License revoked

**Johnson Jr. Mba, Carlton P.**

Lack of fitness/trustworthiness;  
Failure to meet licensing requirements;  
License denied

**Jones, John E.**

Failure to file bail bond report; Monetary  
penalty of \$1,500; License revoked

**Kerwin, Thomas E.**

Criminal record/history; Fail to disclose  
on licensing application; Failure to  
respond; Monetary penalty \$2,500;  
Stipulation; License denied

**Lane, Mark L.**

Withdrew application to avoid denial

**Ledoux, Patricia A.**

Failure to file bail bond report; Final  
agency order; Monetary penalty of  
\$1,000; License revoked

**Lesmerises, Felix R.**

Failure to disclose on licensing  
application;  
Withdrew application to avoid denial

**Lickert, Robert O.**

Failure to file annual bail bond report;  
Monetary penalty of \$500; Stipulation

**Loggins, William**

Incomplete response; Failure to meet  
licensing requirements; License denied

**Matthews, Robert C.**

Failure to pay child support; License  
suspended

**Medeles, Janetta Kay**

Failure to pay child support; License  
suspended

**My Hot Leads**

Advertising; Marketing and sales  
Misrepresentation; Other states action;  
Unauthorized insurance business; Cease  
and desist

**Nira, Rogelio R.****Peak Insurance Company, LLC**

Fail to remit premium to insurer  
Fiduciary violation; Misappropriation of  
premium

Misrepresentation of policy/product  
Final agency order; Monetary penalty of  
\$30,000; License summarily suspended;  
License revoked

**Nolan Funeral Home**

Fiduciary violation; Premium  
Misappropriation; Unauthorized insurance  
business; Fail to provide goods or  
refunds; Violation of previous cease &  
desist order; Monetary penalty of  
\$10,000; Restitution of \$131,991.61

**(continued) Enforcement Actions, July—December, 2007****Northbridge Insurance Solutions**

Fiduciary violation; Lack of fitness/trustworthiness; Misappropriation of premium; License revoked; Stipulation

**O'Toole, James V.**

Criminal proceedings; Failure to notice address change; Failure to respond; Failure to timely file; License revoked

**Ortiz, Michelle D.**

Failure to file annual bail bond report; Monetary penalty of \$1,500; Final agency order; License revoked

**Pacificare Life Assurance Company**

Rate violation;  
Monetary penalty of \$500.

**Parimore, Phil A.**

Failure to report other states action; Lack of fitness/trustworthiness; Misrepresentation-policy/product  
Other state action; Unfair insurance practices act; License revocation; Monetary penalty of \$15,000; Restitution of \$66,676.53; Final agency order

**Petty, Roy Scott**

Fiduciary violation; Lack of fitness/trustworthiness; Misappropriation of premiums; License revoked; License summarily suspended; Stipulation

**Pollack, Christopher Andrew**

Bail bond forfeiture judgment; Failure to file semi-annual report; Monetary penalty of \$6,000; Restitution \$41,700; Final agency order

**Pollack, Sherri Babette**

Failure to timely file bail bond report; Monetary penalty \$500; Stipulation

**Rand, Mark R.**

Failure to file annual bail bond report; Final agency order: License revoked; Monetary penalty of \$1,500.

**Reaka, Jeremy Randall**

Failure to pay child support; License suspended

**Riggan, Randy L.**

Failure to file annual bail bond report  
Monetary penalty of \$1,500; Stipulation

**Rodriguez, Belinda S.**

Failure to file annual bail bond report  
Monetary penalty of \$1,000; Final agency order

**Ryan, Virginia L.**

Failure to provide complete response  
Withdrew application to avoid denial

**Scott, Michael B.**

Failure to disclose on license application; Failure to meet licensing requirements; Lack of fitness/trustworthiness; Failure to respond; License denied

**Smith, Ronald Lee**

Failure to file annual bail bond report; Monetary penalty of \$1,500; License revoked

**Stephens, Shellie V.**

Failure to file annual bail bond reports  
Monetary penalty of \$1,500; License revoked

**Stockham, Charles W.**

Failure to pay child support; License suspended

**Stokes, Clifford Edward Sr.**

Failure to pay child support; License suspended

**Tafoya, Gilbert Rudy Jr.**

Criminal record/history; Failure to meet licensing requirements; Failure to respond; Lack of fitness/trustworthiness; Late or incomplete response; License denied

## (continued) Enforcement Actions, July—December, 2007

### **Taylor, Veronica S.**

Failure to file annual bail bond reports  
Monetary penalty of \$1,500; License revoked

### **Thorpe, Robert P.**

Failure to file annual bail bond reports;  
Monetary penalty of \$1,500; License revoked

### **Titus, John Edward**

Failure to meet licensing requirement  
Failure to post \$50,000 qualification bond; Failure to respond; Lack of fitness/trustworthiness; License denied

### **Todd, Jacqueline S.**

Failure to file annual bail bond reports;  
Monetary penalty of \$500; Stipulation

### **Trujillo, Daniel J.**

Failure to file bail bond report;  
Monetary penalty of \$500; Final agency order

### **Trujillo, John R**

Failure to pay child support; License suspended

### **United Title Company Inc.**

Failure to timely file; Rate violation;  
Monetary penalty of \$1,000; Stipulation

### **Vega, Jesus**

Failure to file annual bail bond reports;  
Monetary penalty of \$2,500; License revoked; Final agency order

### **Veltman, Jon S**

Failure to pay child support; License suspended

### **Wendel, Jennifer Faber**

Failure to file annual bail bond reports  
Final agency order; License revoked  
Monetary penalty \$2,500.

### **White, Matt P.**

Criminal record/history; Lack of fitness/trustworthiness

Fail to meet licensing requirements;  
License denied

### **Willcockson, Jeffrey B**

Failure to pay child support;  
License suspended

## New consumer brochures available

The Division of Insurance has created or updated six new brochures:

- Uninsured/Underinsured Motorist Coverage
- Discount Health Plans
- Flood Insurance
- Wildfires
- Life Insurance
- Identity Theft

These brochures are available on the DOI website, under **Library/Publications**

<http://www.dora.state.co.us/insurance/pb/pb.htm>



**Public Outreach:  
DORA's Division of Insurance  
and Division of Registrations  
take consumer information on the road**



*The Department of Regulatory Agencies (DORA) staffed an informational table at the recent Colorado Springs Business Expo.*

*Commissioner of Insurance Marcy Morrison, along with insurance analysts Stacy Coleman and Mike Gilles (shown in photo), were joined by DOI's Sam Humbert and additional staff from the Division of Registrations to provide information to consumers and businesses. DORA reached an estimated 500 consumers at the Business Expo.*

*The Division and DORA plan to participate in more outreach events in the future.*



**Colorado Division of Insurance**

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