

Subject: RE: PRA-2024-00429: Complaint Statistics

Date: Friday, November 8, 2024 at 2:08:02 PM Pacific Standard Time

From: Youn, Destiny

To: brian@lifeinsuranceconsumeradvocacycenter.org

CC: bbrosnahan99@gmail.com, 'Richard M Weber', 'Jerry Vanderzanden', Lor, Chao, Bare, Carla

Good afternoon,

Thank you for your email. To clarify, your revised request seeks the following Department records:

1. All reports and data that were used in the preparation of the tables and data presented at page 78 of the California Insurance Commissioner's 2023 Annual Report
2. All statistics tracked or maintained by the Department concerning the following kinds of consumer complaints involving life insurance, including statistics concerning the resolution of such complaints:
 - a. Denial of Claim
 - b. Claim Handling Delay
 - c. Unsatisfactory Settlement Offer
 - d. Premium and Rating
 - e. Nonrenewal
 - f. Cancellation
 - g. Premium Refund
 - h. Coverage Question
 - i. Premium Notice/Billing Problem
 - j. Surrender
 - k. Underwriting
 - l. Suitability
 - m. Agent Misrepresentation
 - n. Any other type of consumer complaint about life insurance
3. All statistics tracked or maintained by the Department concerning the following kinds of consumer complaints involving annuities, including statistics concerning the resolution of such complaints:
 1. Denial of Claim
 2. Claim Handling Delay
 3. Unsatisfactory Settlement Offer
 4. Premium and Rating
 5. Nonrenewal
 6. Cancellation
 7. Premium Refund

8. Coverage Question
 9. Premium Notice/Billing Problem
 10. Surrender
 11. Underwriting
 12. Suitability
 13. Agent Misrepresentation
 14. Any other type of consumer complaint about annuities
4. Any description of, or key to, any codes used by the Department, including the Consumer Services Branch and the Investigations Branch, to classify or track information about consumer complaints involving life insurance or annuities.

Regarding request 1, the Department has responsive records, which are not being produced. These records are privileged or confidential and exempt from disclosure under Insurance Code section 12919, Evidence Code section 1040, Government Code sections 7927.500, 7929.00, 7927.705, 7922.000, 7930.005, 7930.160, and 7923.600, the deliberative process privilege.

Regarding requests 2 and 3, the Department does not have statistical information to the specificity requested. However, you may review publicly available Company Performance & Comparison Data for the last three years and a listing of any violation issues in 2023 from the Department's [Company Search](#) portal. You may also generate a list of insurers based on lines of insurance through the Department's [Lines of Insurance Search](#) portal.

Lastly, regarding request 4, these records are privileged or confidential and exempt from disclosure under Insurance Code 12919, Government Code sections 7922.000, and 7922.580(c).

Sincerely,

Destiny Youn
Legal Analyst
Legal Branch | Government Law Bureau
California Department of Insurance
300 Capitol Mall, 17th Floor
Sacramento, CA 95814
916-492-3004

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From: brian@lifeinsuranceconsumeradvocacycenter.org
<brian@lifeinsuranceconsumeradvocacycenter.org>
Sent: Friday, November 8, 2024 1:39 PM
To: Youn, Destiny <Destiny.Youn@insurance.ca.gov>
Cc: bbrosnahan99@gmail.com; 'Richard M Weber' <dick@ethicaledgeconsulting.com>; 'Jerry Vanderzanden' <vdzanden@outlook.com>; Lor, Chao <Chao.Lor@insurance.ca.gov>; Bare, Carla <Carla.Bare@insurance.ca.gov>
Subject: RE: PRA-2024-00429: Complaint Statistics

Hello Ms. Youn,

I have not received any response to my October 28, 2024, email (below). Please provide the requested information, or a valid explanation to justify CDI's refuse to provide it, by the close of business on Wednesday, November 12, 2024. If I do not hear from you, LICAC will assume that CDI is refusing to do either and will notify media outlets as previously discussed.

Brian Brosnahan

From: brian@lifeinsuranceconsumeradvocacycenter.org
<brian@lifeinsuranceconsumeradvocacycenter.org>
Sent: Monday, October 28, 2024 8:48 PM
To: 'Youn, Destiny' <Destiny.Youn@insurance.ca.gov>
Cc: 'bbrosnahan99@gmail.com' <bbrosnahan99@gmail.com>; 'Richard M Weber' <dick@ethicaledgeconsulting.com>; 'Jerry Vanderzanden' <vdzanden@outlook.com>; 'Lor, Chao' <Chao.Lor@insurance.ca.gov>; 'Bare, Carla' <Carla.Bare@insurance.ca.gov>
Subject: RE: PRA-2024-00429: Complaint Statistics

Dear Ms. Youn,

Thank you for your email of October 9, 2024. We have reviewed the privileges you reference and find there to be no colorable argument that the privileges apply here. As you know, Government Code Section 7922.000 provides,

An agency shall justify withholding any record by demonstrating that the record in question is exempt under express provisions of this division, or that on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.

Contrary to the express requirements of Section 7922.000, your email of October 9, 2024, provides no justification for any of the privileges CDI has invoked. Please reconsider CDI's refusal to provide the requested records or

justify CDI's invocation of each privilege you cite.

Please also be aware that LICAC regards CDI's position to date as so unreasonable that the public needs to be informed. Please find attached a draft press release and a subset of the media outlets/reporters to whom LICAC would send the press release if CDI does not reconsider its position and provide the requested records. Of course, LICAC reserves the right to revise the press release to include discussion of any "justification" CDI may offer for continued withholding of the records.

Brian Brosnahan

From: Youn, Destiny <Destiny.Youn@insurance.ca.gov>
Sent: Wednesday, October 9, 2024 7:53 AM
To: brian@lifeinsuranceconsumeradvocacycenter.org
Cc: bbrosnahan99@gmail.com; 'Richard M Weber' <dick@ethicaledgeconsulting.com>; 'Jerry Vanderzanden' <vdzanden@outlook.com>; Lor, Chao Chao.Lor@insurance.ca.gov; Bare, Carla <Carla.Bare@insurance.ca.gov>
Subject: RE: PRA-2024-00429: Complaint Statistics

Good morning,

Thank you for your email below and I apologize for not responding sooner. Your modified request seeks "all reports and data that were used in the preparation of the tables and data presented at page 78 of the California Insurance Commissioner's 2023 Annual Report."

The Department has concluded its search and found responsive records. Please be advised that any reports and data that were used in preparation of the tables and data presented at page 78 of the Commissioner's 2023 Annual Report are confidential and not disclosable pursuant to Insurance Code section 12919, Evidence Code section 1040, Government Code sections 7927.500, 7929.00, 7927.705, and 7922.00, and the deliberative process privilege.

Sincerely,

Destiny Youn
Legal Analyst
Legal Branch | Government Law Bureau
California Department of Insurance
300 Capitol Mall, 17th Floor
Sacramento, CA 95814
916-492-3004

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From: brian@lifeinsuranceconsumeradvocacycenter.org
<brian@lifeinsuranceconsumeradvocacycenter.org>
Sent: Tuesday, October 8, 2024 11:38 AM
To: Youn, Destiny <Destiny.Youn@insurance.ca.gov>
Cc: bbrosnahan99@gmail.com; 'Richard M Weber' <dick@ethicaledgeconsulting.com>; 'Jerry Vanderzanden' <vdzanden@outlook.com>; Lor, Chao <Chao.Lor@insurance.ca.gov>; Bare, Carla <Carla.Bare@insurance.ca.gov>
Subject: RE: PRA-2024-00429: Complaint Statistics

Hello Ms. Youn,

I am following up on LICAC's Public Records Act request below, which I sent on September 20, 2024. Government Code Section 7922.535(a) requires that the Department of Insurance respond to the request within ten days, yet we have not received any response. Please promptly respond to the Public Records Act request.

Brian Brosnahan

From: brian@lifeinsuranceconsumeradvocacycenter.org
<brian@lifeinsuranceconsumeradvocacycenter.org>
Sent: Friday, September 20, 2024 9:42 AM
To: 'Youn, Destiny' <Destiny.Youn@insurance.ca.gov>
Cc: bbrosnahan99@gmail.com <bbrosnahan99@gmail.com>; 'Richard M Weber' <dick@ethicaledgeconsulting.com>; 'Jerry Vanderzanden' <vdzanden@outlook.com>; 'Lor, Chao' <Chao.Lor@insurance.ca.gov>; 'Bare, Carla' <Carla.Bare@insurance.ca.gov>
Subject: RE: PRA-2024-00429: Complaint Statistics

Dear Ms. Youn,

Thank you for your email of September 9, 2024. It appears there continues to be some misunderstanding concerning LICAC's PRA request, so I will modify my request to add a very specific category of information that the Commissioner obviously has – “all reports and data that were used in the preparation of the tables and data presented at page 78 of the California

Insurance Commissioner’s 2023 Annual Report.”

For your convenience, I restate LICAC’s full PRA request below:

Pursuant to the California Public Records Act (“CPRA”) and article 1, section 3, subdivision (b) of the California Constitution, LICAC hereby requests that the California Department of Insurance provide a full and complete copy of the following records:

1. All reports and data that were used in the preparation of the tables and data presented at page 78 of the California Insurance Commissioner’s 2023 Annual Report
2. All statistics tracked or maintained by the Department concerning the following kinds of consumer complaints involving life insurance, including statistics concerning the resolution of such complaints:
 - a. Denial of Claim
 - b. Claim Handling Delay
 - c. Unsatisfactory Settlement Offer
 - d. Premium and Rating
 - e. Nonrenewal
 - f. Cancellation
 - g. Premium Refund
 - h. Coverage Question
 - i. Premium Notice/Billing Problem
 - j. Surrender
 - k. Underwriting
 - l. Suitability
 - m. Agent Misrepresentation
 - n. Any other type of consumer complaint about life insurance
3. All statistics tracked or maintained by the Department concerning the following kinds of consumer complaints involving annuities, including statistics concerning the resolution of such complaints:
 - a. Denial of Claim
 - b. Claim Handling Delay

- c. Unsatisfactory Settlement Offer
 - d. Premium and Rating
 - e. Nonrenewal
 - f. Cancellation
 - g. Premium Refund
 - h. Coverage Question
 - i. Premium Notice/Billing Problem
 - j. Surrender
 - k. Underwriting
 - l. Suitability
 - m. Agent Misrepresentation
 - n. Any other type of consumer complaint about annuities
4. Any description of, or key to, any codes used by the Department, including the Consumer Services Branch and the Investigations Branch, to classify or track information about consumer complaints involving life insurance or annuities.

LICAC requests these records in an electronic format, including Excel or other worksheets, or Portable Document Format (“PDF”) for those documents that do not exist as worksheets. If data exists only for some of the categories of life insurance or annuities complaints listed above but not others, please provide data for those categories for which data does exist. Please produce records for as far back in time as such records are maintained by the Department. If there are no records responsive to the requested materials, please confirm in writing that such records do not exist, and if responsive records used to exist but have been lost, stolen, or destroyed, please (1) identify the date of loss, theft, or destruction and (2) provide a copy of all available evidence of the loss, theft, or destruction.

Any records withheld from production for inspection under the CPRA should be separately identified and accompanied by the claimed justification for withholding those records as required by Government Code section 7922.000. The justification should state the nature of the record withheld and the specific exemption under which the record is being withheld and provide an explanation of why the public interest is served by withholding the record. LICAC reserves the right to challenge your decision to withhold any materials

or portions of documents.

LICAC is prepared to pay reasonable duplication fees in connection with this CPRA request. However, agencies have discretion to waive fees in order to provide greater access to public records pursuant to Government Code section 7922.505. (See *North Co. Parents Org. v. California Dep't of Educ.* (1994) 23 Cal.App.4th 144, 148.) As the information that is the subject of this request is of primary benefit to the public and LICAC is a non-profit, 501(c)(4) social welfare organization, we suggest that the Department waive any search and duplication fees.

Consistent with Government Code section 7922.535(a), we expect to hear from the Department within ten days. Please contact us if you have any questions concerning this request. We may be reached at 415-305-7117 and via email. Thank you

Respectfully submitted,

Brian P. Brosnahan
Executive Director
Life Insurance Consumer Advocacy Center

From: Youn, Destiny <Destiny.Youn@insurance.ca.gov>

Sent: Monday, September 9, 2024 8:46 AM

To: brian@lifeinsuranceconsumeradvocacycenter.org

Cc: bbrosnahan99@gmail.com; 'Richard M Weber' <dick@ethicaledgeconsulting.com>; 'Jerry Vanderzanden' <vdzanden@outlook.com>; Lor, Chao <Chao.Lor@insurance.ca.gov>; Bare, Carla <Carla.Bare@insurance.ca.gov>

Subject: RE: PRA-2024-00429: Complaint Statistics

Good morning,

Please note that the information that is published within the Commissioner's Annual Report is required by statute to compile and report. Additional information can be found on the Consumer Complaint Study page, and the data sought aside from what is published is not maintained by the Department.

If you would like prior copies of the Annual Reports that are not published on the Department's website, please let me know and I can provide them to you.

Sincerely,

Destiny Youn
Legal Analyst
Legal Branch | Government Law Bureau
California Department of Insurance
300 Capitol Mall, 17th Floor
Sacramento, CA 95814
916-492-3004

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From: brian@lifeinsuranceconsumeradvocacycenter.org
<brian@lifeinsuranceconsumeradvocacycenter.org>
Sent: Saturday, September 7, 2024 1:10 PM
To: Youn, Destiny <Destiny.Youn@insurance.ca.gov>
Cc: bbrosnahan99@gmail.com; 'Richard M Weber' <dick@ethicaledgeconsulting.com>; 'Jerry Vanderzanden' <vdzanden@outlook.com>; Lor, Chao <Chao.Lor@insurance.ca.gov>; Bare, Carla <Carla.Bare@insurance.ca.gov>
Subject: RE: PRA-2024-00429: Complaint Statistics

Hello Ms. Youn,
I am following up on LICAC's Public Records Act request below, which I sent on August 24, 2024. Government Code Section 7922.535(a) requires that the Department of Insurance respond to the request within ten days, yet we have not received any response. Please promptly respond to the LICAC's Public Records Act request.
Brian Brosnahan

From: brian@lifeinsuranceconsumeradvocacycenter.org
<brian@lifeinsuranceconsumeradvocacycenter.org>
Sent: Saturday, August 24, 2024 4:40 PM
To: 'Youn, Destiny' <Destiny.Youn@insurance.ca.gov>
Cc: 'bbrosnahan99@gmail.com' <bbrosnahan99@gmail.com>; 'Richard M Weber' <dick@ethicaledgeconsulting.com>; 'Jerry Vanderzanden' <vdzanden@outlook.com>; 'Lor, Chao' <Chao.Lor@insurance.ca.gov>; 'Bare, Carla' <Carla.Bare@insurance.ca.gov>
Subject: RE: PRA-2024-00429: Complaint Statistics

Dear Ms. Youn,

Thank you for your email of August 21, 2024. I am afraid there must be some misunderstanding concerning my request, as it is clear from the Commissioner's 2023 Annual Report that the California Department of Insurance ("Department") maintains some or all of the data I am requesting. At page 78, the Report breaks consumer complaints down according to line of coverage and the "Top Ten Types of Complaints." Even just these "Top Ten" reasons include some of the same categories of complaint that were in my August 19, 2024, Public Records Act request.

In order to facilitate the Department's response, I would be happy to modify my Public Records Act request to more closely track the categories of complaint in the Annual Report, though my request will still list several categories of complaint that are not in the "Top Ten" types of complaints but may nevertheless be types of complaints tracked by the Department. I will also request the data separately for life insurance and annuities; LICAC has been informed by Department staff in the past that the Department's complaint data tracks complaints about life insurance separately from annuities.

Accordingly, pursuant to the California Public Records Act ("CPRA") and article 1, section 3, subdivision (b) of the California Constitution, LICAC hereby requests that the California Department of Insurance provide a full and complete copy of the following records:^[1]

1. All statistics tracked or maintained by the Department concerning the following kinds of consumer complaints involving life insurance, including statistics concerning the resolution of such complaints:
 - a. Denial of Claim
 - b. Claim Handling Delay
 - c. Unsatisfactory Settlement Offer
 - d. Premium and Rating
 - e. Nonrenewal
 - f. Cancellation
 - g. Premium Refund
 - h. Coverage Question

- i. Premium Notice/Billing Problem
 - j. Surrender
 - k. Underwriting
 - l. Suitability
 - m. Agent Misrepresentation
 - n. Any other type of consumer complaint about life insurance
2. All statistics tracked or maintained by the Department concerning the following kinds of consumer complaints involving annuities, including statistics concerning the resolution of such complaints:
- a. Denial of Claim
 - b. Claim Handling Delay
 - c. Unsatisfactory Settlement Offer
 - d. Premium and Rating
 - e. Nonrenewal
 - f. Cancellation
 - g. Premium Refund
 - h. Coverage Question
 - i. Premium Notice/Billing Problem
 - j. Surrender
 - k. Underwriting
 - l. Suitability
 - m. Agent Misrepresentation
 - n. Any other type of consumer complaint about annuities
3. Any description of, or key to, any codes used by the Department, including the Consumer Services Branch and the Investigations Branch, to classify or track information about consumer complaints involving life insurance or annuities.

LICAC requests these records in an electronic format such as Portable Document Format (“PDF”). If data exists only for some of the categories of life insurance or annuities complaints listed above but not others, please provide data for those categories for which data does exist. Please produce records for as far back in time as such records are maintained by the Department. If there are no records responsive to the requested materials, please confirm in

writing that such records do not exist, and if responsive records used to exist but have been lost, stolen, or destroyed, please (1) identify the date of loss, theft, or destruction and (2) provide a copy of all available evidence of the loss, theft, or destruction.

Any records withheld from production for inspection under the CPRA should be separately identified and accompanied by the claimed justification for withholding those records as required by Government Code section 7922.000. The justification should state the nature of the record withheld and the specific exemption under which the record is being withheld and provide an explanation of why the public interest is served by withholding the record. LICAC reserves the right to challenge your decision to withhold any materials or portions of documents.

LICAC is prepared to pay reasonable duplication fees in connection with this CPRA request. However, agencies have discretion to waive fees in order to provide greater access to public records pursuant to Government Code section 7922.505. (See *North Co. Parents Org. v. California Dep't of Educ.* (1994) 23 Cal.App.4th 144, 148.) As the information that is the subject of this request is of primary benefit to the public and LICAC is a non-profit, 501(c)(4) social welfare organization, we suggest that the Department waive any search and duplication fees.

Consistent with Government Code section 7922.535(a), we expect to hear from the Department within ten days. Please contact us if you have any questions concerning this request. We may be reached at 415-305-7117 and via email. Thank you

Respectfully submitted,

Brian P. Brosnahan
Executive Director
Life Insurance Consumer Advocacy Center

From: Youn, Destiny <Destiny.Youn@insurance.ca.gov>

Sent: Wednesday, August 21, 2024 1:59 PM

To: brian@lifeinsuranceconsumeradvocacycenter.org

Cc: bbrosnahan99@gmail.com; 'Richard M Weber' <dick@ethicaledgeconsulting.com>; 'Jerry

Vanderzanden' <vdzanden@outlook.com>; Lor, Chao <Chao.Lor@insurance.ca.gov>; Bare, Carla <Carla.Bare@insurance.ca.gov>

Subject: PRA-2024-00429: Complaint Statistics

Good afternoon,

On August 19, 2024, the California Department of Insurance (“Department”) Custodian of Records received your request for information regarding the above-referenced matter, which has been treated as a request pursuant to the California Public Records Act. (Gov. Code, § 7920.000 et seq.)

Specifically, your request seeks the following information:

1. All statistics tracked or maintained by the Department concerning the following kinds of consumer complaints involving life insurance or annuities, including statistics concerning the resolution of such complaints:
 - a. Premium or billing
 - b. Surrenders
 - c. Cancellations
 - d. Rating or underwriting
 - e. Suitability
 - f. Agent Misrepresentation
 - g. Any other type of consumer complaint about life insurance or annuities
2. Any description of, or key to, any codes used by the Department, including the Consumer Services Branch and the Investigations Branch, to classify or track information about consumer complaints involving life insurance or annuities.

The Department has concluded its search and does not have responsive information as it does not maintain any reports that would provide the data or statistics you are seeking. In the event you are interested other consumer complaint data, you can find them in the Life Insurance Composite Report here: [Life Complaint Composite Report \(ca.gov\)](#).

Please feel free to reach out if you have any further questions.

Sincerely,

Destiny Youn
Legal Analyst
Legal Branch | Government Law Bureau
California Department of Insurance
300 Capitol Mall, 17th Floor
Sacramento, CA 95814
916-492-3004

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From: brian@lifeinsuranceconsumeradvocacycenter.org
<brian@lifeinsuranceconsumeradvocacycenter.org>
Sent: Sunday, August 18, 2024 5:03 PM
To: Custodian of Records <CustodianofRecords@insurance.ca.gov>
Cc: bbrosnahan99@gmail.com; 'Richard M Weber' <dick@ethicaledgeconsulting.com>; 'Jerry Vanderzanden' <vdzanden@outlook.com>
Subject: LICAC Public Records Act Request to the California Department of Insurance

Please see attached Public Records Act Request:

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[1] The term “records” includes, but is not limited to, documents and communications, whether created or maintained in printed, typed, hand-written, facsimile, or email or other digital form.