

FEB 11 2020

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

FILED

STATE OF NEBRASKA)	
DEPARTMENT OF INSURANCE,)	
)	FINDINGS OF FACT,
PETITIONER,)	CONCLUSIONS OF LAW,
)	RECOMMENDED ORDER AND
VS.)	ORDER
)	
ELITE INTEGRATED BENEFITS)	
ADMINISTRATOR, LLC,)	CAUSE NO. C-2567
)	
RESPONDENT.)	

This matter came on for hearing on February 11, 2020, before Robert E. Harkins, a hearing officer duly appointed by the Director of the Nebraska Department of Insurance. The Nebraska Department of Insurance ("Department") was represented by its attorney, Thomas C. Green. Elite Integrated Benefits Administrator, LLC ("Respondent"), was not present and was not represented by counsel. The proceedings were recorded by Shelly Storie, a licensed Notary Public. Evidence was introduced, and the matter was taken under advisement. As a result of the hearing, the hearing officer makes the following Findings of Fact, Conclusions of Law, and Recommended Order.

FINDINGS OF FACT

1. The Department has jurisdiction over the subject matter and Respondent pursuant to Neb. Rev. Stat. §§ 44-101.01 and 44-5801 to 44-5816. Said jurisdiction and control have been present at all times material hereto.

2. Respondent is a third-party administrator organized and existing under the laws of the State of Nebraska. Respondent is and was licensed to engage in the business

of insurance in Nebraska as a third-party administrator at all times material hereto. (Ex. 2)

3. On or about December 31, 2019, the Petition and Notice of Hearing was served upon the Respondent by mailing the same to the Respondent's address of record by certified mail, return receipt requested, and by regular U.S. mail. Respondent received the Petition and Notice of Hearing on January 3, 2020, as evidenced by the signed Domestic Return Receipt returned to the Department on or about January 6, 2020. (Ex. 3, Attachment 1)

4. On or about March 7, 2019 an Order ("March Order") was entered by the Department that assessed a \$2500 penalty for Respondent's failure to timely pay the 2017 annual report filing fee and suspended the Respondent's certificate of authority until such time as that fee was paid. That fee remains unpaid and the Respondent's certificate of authority is still suspended at this time. (Ex. 1; Ex. 4)

5. On or about October 18, 2019, a subsequent Order ("October Order") was entered by the Department that: (a) established a forfeiture fee of \$950 for Respondent's failure to timely file the 2018 annual report and pay the required filing fee; and (b) required payment of both the \$950 forfeiture fee and the unpaid \$2500 forfeiture fee from the March Order, within thirty (30) days of the date the Order was approved by the Department. The October Order also indicated that failure to comply with its terms "may subject Respondent to additional disciplinary action, up to and including revocation of Respondent's certificate of authority to act as a third party administrator." As of this date, the fine imposed in the October Order remains unpaid. (Ex. 2; Ex. 4)

CONCLUSIONS OF LAW

1. The Department has jurisdiction and control over Respondent as a third-party administrator licensed in the State of Nebraska pursuant to Neb. Rev. Stat. §§ 44-101.01 and 44-5801 to 44-5816.
2. Respondent received proper Notice of these proceedings.
3. Pursuant to Neb. Rev. Stat. § 44-5814(1), each third-party administrator must file an annual report for the preceding calendar year with the director on or before March 1 of each year.
4. Pursuant to Neb. Rev. Stat. §44-5814(3), at the time of filing its annual report, the third party administrator shall pay to the Director a filing fee of two hundred dollars (\$200.00).
5. Pursuant to Neb. Rev. Stat. § 44-5815(2)(a), the Director may, in his discretion, revoke the certificate of authority as a third party administrator if the director finds that the third party administrator has violated any order of the Director.
6. Respondent has violated both the October and March Orders, and Respondent's certificate of authority is subject to revocation, pursuant to Neb. Rev. Stat. § 44-5815(2)(a)

DISCUSSION

The Department presented sufficient evidence to show Respondent received proper notice of these proceedings. The Respondent has failed to pay any of the outstanding fines imposed by the Department. This matter is the third action filed against Respondent in the preceding twelve months, and these multiple actions constitute a frustrating waste of the

Department's valuable and limited resources. For whatever reason, Respondent continues to ignore the lawful authority of the Department by failing to comply with Nebraska statutes and lawful Orders issued by the Director. Respondent's actions promote disrespect of the law and a severe sanction is necessary to discourage similar actions in the future.

RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, it is recommended that:

Respondent's third-party administrator certificate of authority is hereby revoked, effective the date this Order is approved by the Director. The Nebraska Department of Insurance shall retain jurisdiction of this matter for the purpose of enabling Respondent or the Department of Insurance to make application for such further orders as may be necessary.

Dated this 11th day of February, 2020.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



Robert E. Harkins
Hearing Officer

CERTIFICATE OF ADOPTION

I have reviewed the foregoing Findings of Fact, Conclusions of Law, and Recommended Order and hereby certify that the Recommended Order is adopted as the official and final Order of this Department in the matter of State of Nebraska Department of Insurance vs. Elite Integrated Benefits Administrator, LLC, Cause No. C- 2567.

Dated this 11 day of February, 2020.

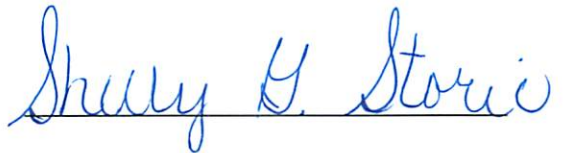
STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



Bruce R. Ramage
Director of Insurance

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Findings of Fact, Conclusions of Law, Recommended Order, and Order was served upon the Respondent by mailing a copy to Respondent at Respondent's registered address at 2712 South 87th Avenue, Omaha NE 68124, by certified mail, return receipt requested, and by regular U.S. mail on this 11th day of February, 2020.



Sherry G. Storie