

JUL 16 2021

BEFORE THE DEPARTMENT OF INSURANCE  
STATE OF NEBRASKA

FILED

|                            |   |                  |
|----------------------------|---|------------------|
| STATE OF NEBRASKA          | ) |                  |
| DEPARTMENT OF INSURANCE,   | ) | CONSENT          |
|                            | ) | ORDER            |
| PETITIONER,                | ) |                  |
|                            | ) |                  |
| VS.                        | ) |                  |
|                            | ) |                  |
| HEALTH PLAN INTERMEDIARIES | ) | CAUSE NO. A-2229 |
| HOLDINGS, LLC.             | ) |                  |
| (NAIC Producer #16714695), | ) |                  |
|                            | ) |                  |
| &                          | ) |                  |
|                            | ) |                  |
| TOTAL INSURANCE BROKERS    | ) |                  |
| (NAIC Producer #19162388), | ) |                  |
|                            | ) |                  |
| &                          | ) |                  |
|                            | ) |                  |
| DANIEL JONES               | ) |                  |
| (NAIC Producer #17965778), | ) |                  |
|                            | ) |                  |
|                            | ) |                  |
| RESPONDENTS.               | ) |                  |
|                            | ) |                  |

In order to resolve this matter, the Nebraska Department of Insurance (“Petitioner”), by and through its attorney, Michael W. Anderson, and Health Plan Intermediaries Holdings LLC, Total Insurance Brokers, and Daniel Jones (“Respondents”), mutually stipulate and agree as follows:

JURISDICTION

1. Petitioner has jurisdiction over the subject matter and Respondent pursuant to Neb. Rev. Stat. §§ 44.101.01, and 44-4047 to 44-4067.

2. Respondents have been licensed as non-resident insurance producers under the laws of Nebraska at all times material hereto.

STIPULATIONS OF FACT

1. Petitioner initiated this administrative proceeding by filing a Petition captioned State of Nebraska Department of Insurance vs. Health Plan Intermediaries Holdings, LLC, et al (NAIC National Producer #16714695 (HPIH), #19162388 (Total Insurance Brokers), and #17965778 (Daniel Jones), Cause Number A-2229 on August 20, 2020. A copy of the Petition was sent to the Respondents at their registered addresses by certified mail, return receipt requested, and by regular U.S. mail. Respondents acknowledge receiving proper Notice of these proceedings.

2. Petitioner has alleged that Respondents violated Neb. Rev. Stat. §§ 44-4059 (1) (b), 44-4059 (1) (e), 44-4059 (1) (g), 44-4059 (1) (h), 44-1524 (1), 44-1525 (2), and 44-101 as follows:

- a. In July of 2020, it was discovered that Respondents advertised insurance plans on websites, healthinsurance.com and healthpocket.com operated by entities wholly owned by HPIH.
- b. Among the plans that were displayed for educational purposes and not for sale were insurance products from Blue Cross Blue Shield of Nebraska ("BCBSNE") and Bright Health, among others.
- c. These plans were advertised with a caveat "that they will, once you decide that you wish to examine the plan further, route you to a licensed insurance agent or agency."

- d. The BCBSNE and Bright Health plans were displayed on Respondents' websites using the names, rates, and company logos of BCBSNE and Bright Health, despite Respondents having no broker or marketing arrangements with either entity.
- e. This site could be viewed as the Respondents were licensed to market both the BCBSNE and Bright Health Plans advertised on their websites.
- f. Both BCBSNE and Bright Health have since issued cease and desist letters to Respondents requesting that they remove such plans and logos from their websites.

3. Without admitting any wrongdoing, the Respondents:

- a. understand that there may have been some confusion by consumers that had the false impression that Respondents were licensed to market both BCBSNE and Bright Health Plans;
- b. acknowledge that there may have been misunderstandings with respect to the industry's website advertisement, which could have been misleading to reasonable consumers; and
- c. agree to take steps to make sure such confusion will not take place in the future.

The Respondents concur with the State of Nebraska Department of Insurance that it is important to establish uniform standards for all marketers in the State of Nebraska to follow the same uniform marketing standards to avoid such misunderstandings.

4. Respondents were informed of their right to a public hearing. Respondents waive that right and enters into this Consent Order freely and voluntarily. Respondents understand and acknowledge that by waiving their right to a public hearing, Respondents also waive their right to confrontation of witnesses, production of evidence, and judicial review.

#### CONCLUSIONS OF LAW

Respondents' conduct as alleged above constitutes violations of Neb. Rev. Stat. §§ 44-4059 (1) (b), 44-4059 (1) (e), 44-4059 (1) (g), 44-4059 (1) (h), 44-1524 (1), 44-1525 (2), and 44-101, and Respondents are subject to disciplinary action pursuant to Neb. Rev. Stat. §44-4059.

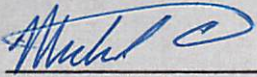
#### CONSENT ORDER

It is therefore Ordered by the Director of Insurance and agreed by Respondent that:

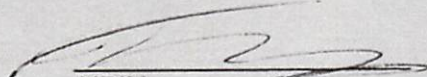
1. Respondents agree to pay an administrative penalty of \$25,000.
2. Respondents intend to comply with any and all uniform standards set forth by the State of Nebraska Department of Insurance with regard to maintenance of websites and solicitation of business from residents of Nebraska, pursuant to pronouncements, bulletins, or other guidance issued by the State of Nebraska Department of Insurance, within a reasonable period of time.
3. 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 should Respondent fail to pay the aforementioned penalty.

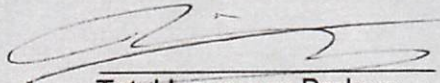
In witness of their intention to be bound by this Consent Order, each party has executed this document by subscribing their signatures below.

  
 Michael W. Anderson, #25671  
 Attorney for Petitioner  
 1526 K Street, Suite 200  
 Lincoln NE 68501  
 (402) 471-2201

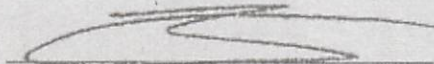
7/16/21  
 Date

  
 HPIH  
 Michael DeVries

6/25/21  
 Date

  
 Total Insurance Brokers  
 Michael DeVries

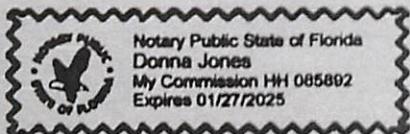
6/25/21  
 Date

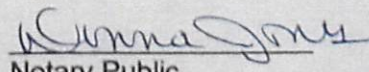
  
 Daniel Jones

6/25/21  
 Date

State of Florida )  
 ) ss.  
 County of Hillsborough )

On this 25 day of June, 2021, NPIH, TOTAL INSURANCE BROKERS, and DANIEL JONES personally appeared before me and read this Consent Order, executed the same, and acknowledged the same to be their voluntary acts and deeds.



  
 Notary Public  
 Donna Jones

CERTIFICATE OF ADOPTION

I hereby certify that the foregoing Consent Order is adopted as the Final Order of the Nebraska Department of Insurance in the matter of State of Nebraska Department of Insurance vs. Health Plan Intermediaries Holdings, et al (NAIC National Producer #16714695 (HPIH), #19162388 (Total Insurance Brokers), and #17965778 (Daniel Jones)), Cause Number A-2229.

STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE

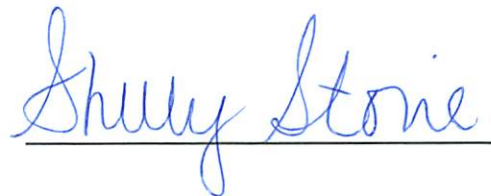


Eric Dunning  
Director of Insurance

7/16/21  
Date

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Consent Order was served upon Respondents below by mailing a copy to the following addresses on file with the Department by certified mail, return receipt requested, by regular U.S. mail, on this 16<sup>th</sup> day of July, 2021.



Daniel L. Jones  
Business/Residence Address: 16609 Villalenda De Avila  
Tampa, Florida 33613-5200  
Business Email: [contracts@tibhealth.com](mailto:contracts@tibhealth.com)

Total Insurance Brokers  
Business Address: 3109 W Dr. M.L. King Jr. Blvd.  
Tampa, Florida 33607  
Mailing Address: Benefytt Technologies, Inc.  
3450 Buschwood Park Dr. Ste. 200  
Tampa, Florida 33618  
Business Email: [razcarraga@bfyt.com](mailto:razcarraga@bfyt.com)

Health Plan Intermediaries Holdings, LLC  
Business Address: 3450 Buschwood Park Drive, Suite 200  
Tampa, Florida 33618  
Mailing Address: 213 W Chapman Road  
Lutz, Florida 33548  
Business Email: [razcarraga@bfyt.com](mailto:razcarraga@bfyt.com)