

MAR 07 2019

FILED

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

STATE OF NEBRASKA)
DEPARTMENT OF INSURANCE,)
)
PETITIONER,)
)
VS.)
)
ELITE INTEGRATED BENEFITS)
ADMINISTRATOR, LLC,)
)
RESPONDENT.)

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
RECOMMENDED ORDER AND
ORDER

CAUSE NO. C-2475

This matter came on for hearing on the 21st day of February 2019, before Matthew Holman, 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, Krystle Ledvina Garcia. Elite Integrated Benefits Administrator, LLC, ("Respondent"), was not present and was not represented by counsel. The proceedings were recorded by Brandis Bauer, 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 January 14, 2019, the Petition and Notice of Hearing were properly served upon the Respondent. (Ex. 1)

4. Respondent failed to timely file its annual report and filing fee as a third-party administrator for the 2017 calendar year, which was due on March 1, 2018. (Ex. 2)

5. On or about March 6, 2018, the Department mailed correspondence to Respondent at its registered mailing address notifying Respondent of its failure to file its 2017 annual report and \$200 filing fee. (Ex. 2)

6. On or about March 13, 2018, the Department received Respondent's 2017 annual report. On or about April 20, 2018, Respondent remitted the \$200 filing fee. (Ex. 2)

7. On or about May 22, 2018, the Department mailed follow-up correspondence to Respondent at its registered mailing address via regular U.S. mail, notifying Respondent that a forfeiture fee of \$2,500 was due for failing to timely file. (Ex. 2)

8. On or about August 21, 2018, the Department mailed follow-up correspondence to Respondent at its registered mailing address via regular U.S. mail, notifying Respondent that a forfeiture fee of \$2,500 was due for failing to timely file the annual report. (Ex. 2)

9. On or about December 11, 2018, the Department mailed a copy of the March 22, 2018 and August 21, 2018 letters along with an invoice, to Respondent at its registered mailing address via Certified mail, return receipt requested. On or about December 18, 2018, The Department received the domestic return receipt card from this mailing indicating proper delivery. (Ex. 2)

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. 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.

3. Pursuant to Neb. Rev. Stat. § 44-5814(3), at the time of filing its annual report, a third-party administrator shall pay to the director a \$200 filing fee.

4. Pursuant to Neb. Rev. Stat. § 44-5814(4)(b)(i), a third-party administrator that fails to comply with the requirements of Neb. Rev. Stat. § 44-5814, shall forfeit fifty dollars for each day thereafter such failure continues and it continues to transact the business of insurance. In addition to the forfeiture required, the director may suspend the certificate of authority of the third-party administrator until it has complied with the requirements of Neb. Rev. Stat. § 44-5814.

5. Respondent is in violation of Neb. Rev. Stat. §§ 44-5814(1) and 44-5814(3), and is subject to a \$2,500 forfeiture fee, calculated at fifty dollars per day from March 2 through April 20, 2018.

RECOMMENDED ORDER

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

Respondent's third-party administrator certificate of authority be suspended until such time as Respondent pays the \$2,500 forfeiture fee.

Dated this 7th day of March, 2019.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



Matthew W. Holman
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, C-2475.

Dated this 7 day of March, 2019.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



Bruce R. Range
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 of 2712 South 87th Avenue, Omaha, NE 68124, by certified mail, return receipt requested, and via regular U.S. mail on this 7 day of March, 2019.


