

OCT 18 2019

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-2536
)	
RESPONDENT.)	

This matter came on for hearing on the 16th day of October, 2019, 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 II. 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. 3, Attachment 1)

3. On or about September 10, 2019, the Petition and Notice of Hearing were 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 September 13, 2019, as evidenced by the signed Domestic Return Receipt returned to the Department on or about September 17, 2019. (Ex. 2, Attachment 1)

4. Respondent failed to file its 2018 annual report as a third-party administrator by the March 1, 2019 deadline established by statute. (Ex. 3, Attachment 2)

5. On or about March 6, 2019, the Department mailed correspondence to Respondent at its registered business address notifying Respondent of its failure to file its 2018 annual report. (Ex. 3, Attachment 2)

6. On or about March 7, 2019, an Order was entered by the Department establishing a \$2,500 penalty for Respondent's failure to timely pay the 2017 annual report filing fee, and suspending Respondent's certificate of authority until such time as the penalty is paid. To date, Respondent has failed to pay the penalty and Respondent's certificate of authority remains suspended. (Ex. 1, 3, and 4)

7. On or about March 20, 2019, Respondent received Respondent's 2018 annual report and corresponding filing fee. (Ex. 3)

8. On or about May 6, 2019, and July 12, 2019, the Department notified Respondent via registered mail at their registered business address that a forfeiture fee of \$950 was due for failing to timely file the 2018 annual report. Respondent received both notifications, as

evidenced by the return receipts subsequently received by the Department. To date, Respondent has failed to pay the \$950 forfeiture fee. (Ex. 3, Attachments 3 through 6)

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.

5. Pursuant to Neb. Rev. Stat. § 44-5814(4)(b)(i), a third-party administrator shall forfeit fifty dollars for each day that it is in noncompliance with Neb. Rev. Stat. § 44-5814 and it continues to transact the business of insurance. Respondent is subject to a \$950 forfeiture fee, calculated at \$50 per day from March 1 through March 19, 2019. 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, pursuant to Neb. Rev. Stat. §44-5814(4)(b)(ii).

6. Respondent is in violation of Neb. Rev. Stat. §§ 44-5814(1), 44-5814(4)(b)(i), and 44-5814(4)(b)(ii), as a result of the conduct set forth in paragraphs 4 through 8 of the Findings of Fact.

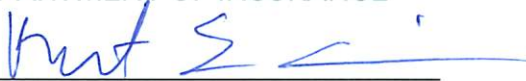
RECOMMENDED ORDER

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

Respondent's third-party administrator certificate of authority shall remain suspended until such time as Respondent pays a forfeiture fee of \$950 based on the late filing of its 2018 annual report, and the \$2500 forfeiture fee previously imposed. Both forfeiture fees shall be paid within thirty (30) days of the date this Order is approved by the Department. Failure to comply with this Order 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.

Dated this 18th day of October, 2019.

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- 2536.

Dated this 18 day of October, 2019.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



Bruce R. Ramge
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 its registered address at 2712 South 87th Avenue, Omaha, NE 68124, by certified mail, return receipt requested, and by regular U.S. mail on this 18 day of October, 2019.

Branden Bauer