

FILED

JUN 23 2025

Department of Insurance
State of Idaho

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Attorneys for Idaho Department of Insurance

BEFORE THE DIRECTOR OF THE IDAHO DEPARTMENT OF INSURANCE
STATE OF IDAHO

IDAHO DEPARTMENT OF INSURANCE,

Complainant,

vs.

MARK CUBAN COST PLUS BENEFITS,
LLC, a Texas company holding Idaho
Pharmacy Benefit Manager License No.
3002734509,

Respondent.

Docket No. 18-4686-25

STIPULATION AND FINAL ORDER

COME NOW the staff of the Idaho Department of Insurance (“Department”) and Mark Cuban Cost Plus Benefits (“Cost Plus”) and do hereby agree and stipulate as follows:

FINDINGS OF FACT

1. Cost Plus is a licensed pharmacy benefit manager in the state of Idaho, holding Idaho Pharmacy Benefit Manager License No. 3002734509, which license is due to expire on March 31, 2026. Cost Plus is subject to the provisions of title 41, Idaho Code, and to the rules of

the Idaho Department of Insurance promulgated thereunder.

2. The Director of the Department (“Director”) has jurisdiction over Cost Plus and the subject matter herein pursuant to provisions of Idaho’s Producer Licensing Act, Idaho Code §§ 41-1001 *et seq.*, as well as the Idaho Insurance Code, Idaho Code §§ 41-101 *et seq.*

3. On April 29, 2025, the Department filed a Verified Complaint and Notice of Right to Hearing, Docket Number 18-4686-25 (hereinafter “Verified Complaint”), seeking the imposition of administrative penalties against Cost Plus.

4. Among the allegations in the Verified Complaint were that Cost Plus violated Idaho Code §§ 41-349(10)(a)(i), 41-349(10)(a)(ii), and 41-349(13)(d), by failing to file its 2023 Spread Report, 2023 Formulary Report, and 2023 Appeal Report by January 1, 2025; and that Cost Plus violated Idaho Code § 41-247 by failing to timely respond to the Department’s request for information.

5. On or about May 9, 2025, Cost Plus filed its missing reports with the Department.

CONCLUSIONS OF LAW

6. Idaho Code § 41-1016(1) provides that the Director of the Department may impose an administrative penalty of up to \$1,000 for certain enumerated violations.

7. Idaho Code § 41-117 makes clear that each instance of violation may be treated as a separate offense.

8. The parties agree that this matter may be brought to a close by a negotiated and stipulated settlement and entry of this Stipulation and Final Order.

AGREEMENT

9. Based upon the foregoing, Cost Plus and the Department stipulate and agree as follows:

a. Cost Plus admits to six (6) violations of Idaho Code § 41-349(9).

b. As sanction for the violations referenced above, Cost Plus and the Department agree to the penalties set forth below and agree that the Director may enter the Final Order attached hereto, which provides as follows:

- i. That the Stipulation be adopted in full and incorporated into the Final Order;
- ii. That Cost Plus shall pay an administrative penalty of six thousand dollars (\$6,000).

10. By entering into this Stipulation, Cost Plus knowingly and voluntarily waives any rights it would otherwise have to notice and a hearing at which they may be represented by counsel, present evidence, and examine witnesses. The parties hereto further waive their right of reconsideration, appeal, and other rights as set forth in title 67, chapter 52, Idaho Code, including the right to submit this matter for review by a court of competent jurisdiction.

11. The parties agree that the terms of this Stipulation and Final Order are appropriate and proper under the circumstances referenced herein.

12. Cost Plus acknowledges that it has read this Stipulation and Final Order and understands its contents; that it has been given the opportunity to discuss this Stipulation and Final Order with independent legal counsel of its choosing; and that it has entered into this Stipulation knowingly, voluntarily, and with full knowledge of any rights they may be waiving thereby.

13. Cost Plus acknowledges that this is an administrative action that may be required to be reported on license applications and license renewal forms and disclosed to other agencies through which Cost Plus holds a license.

14. This Stipulation is subject to approval by the Director or the Director's designee, and shall become effective and binding upon the Department and Cost Plus upon such approval. Should the Director decline to approve this Stipulation and Final Order, the Department and Cost

Plus shall retain all of their rights, claims and/or defenses, and any factual and/or legal admissions made by Cost Plus herein shall be withdrawn.

15. This Stipulation constitutes the full and final resolution of all matters addressed herein, and the Department agrees that, subject to the Director's approval described above, the Department shall seek no further civil or administrative sanctions for the violations alleged in the Verified Complaint, subject to the agreement set forth in Paragraph 9 above.

16. Cost Plus agrees that, upon execution of this Stipulation and Final Order, no subsequent action or assertion shall be maintained or pursued in any manner asserting the invalidity of this Stipulation and Final Order and its provisions.

17. This Stipulation and Final Order embodies the entire agreement between the Department and Cost Plus, and there are no agreements, understandings, representations, or warranties that are not expressly set forth herein.

18. Upon the Director's entry of the Final Order approving this stipulation, this Stipulation and Final Order shall be a public record under the Idaho Public Records Act.

Agreed this 25 day of ~~May~~ June 2025.

By: _____

XXXXXX

Alexander Oshmyansky,
President

Mark Cuban Cost Plus Benefits

Approved as to Form:

By: _____

MATTHEW I. KUNFERBERG

Frier Levitt

Attorney for Respondent


Agreed this 16th day of ~~May~~ June 2025.

State of Idaho
Department of Insurance

By: 
Shannon Hohl
Bureau Chief, Market Oversight

Approved as to Form:

State of Idaho
Office of the Attorney General

By: 
Matt Steen
Deputy Attorney General
Attorneys for the Department of Insurance

Final Order

The parties hereto, namely the Idaho Department of Insurance and Mark Cuban Cost Plus Benefits, LLC ("Cost Plus") having entered into the foregoing Stipulation, and the form of the order having been approved, the Director, having reviewed the same, does hereby find that there is a factual basis for entry of a Final Order herein and does hereby conclude that Cost Plus did violate title 41, Idaho Code, as stated in the Stipulation.

Now, therefore, based on the foregoing and in consideration of the premises,

It is hereby ordered that the foregoing Stipulation is approved and is incorporated herein as if set forth in full and made a part hereof;

It is further ordered that Cost Plus is assessed an administrative penalty of six thousand dollars (\$6,000).

Dated this 19 day of June 2025.

State of Idaho
Department of Insurance



Dean L. Cameron
Director

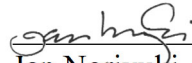
Notice Regarding Reportable Proceedings

The foregoing is considered a reportable administrative proceeding. As such, it is a public record and is public information that may be disclosed to other states and reported to companies for which you are actively appointed. This information will be reported to the National Association of Insurance Commissioners (NAIC) and will appear in the online searchable database of the Idaho Department of Insurance. You should be aware that this proceeding must be disclosed on any insurance license application and must be reported to any and all states in which you hold an insurance license.

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of June 2025, I caused a true and correct copy of the Stipulation and Final Order to be served upon the following parties by the method(s) indicated below:

Matthew Kupferberg Frier Levitt 101 Greenwich St, Ste 8B New York, NY 10006 <i>Counsel for Respondent</i>	<input checked="" type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: mkupferberg@frierlevitt.com
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Jan Noriyuki
Paralegal