

LAWRENCE G. WASDEN
Attorney General

RICHARD B. BURLEIGH, ISB No. 4032
Deputy Attorney General
Idaho Department of Insurance
700 W. State Street
P.O. Box 83720
Boise, Idaho 83720-0043
Telephone No. (208) 334-4219
Facsimile No. (208) 334-4298
richard.burleigh@doi.idaho.gov

FILED 
JUN 05 2012
Department of Insurance
State of Idaho

Attorneys for the Department of Insurance

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

In the Matter of:

Benefit Managers Company, Inc.,
an Idaho corporation,

Expired Third Party Administrator License No.
320542

Respondent.

Docket No. 18-2766-12

CONSENT ORDER

The parties hereto, namely the Idaho Department of Insurance and Benefit Managers Company, Inc., an Idaho corporation, expired Third Party Administrator License No. 320542 having entered into a STIPULATION FOR CONSENT ORDER, a copy of which is attached hereto, and the Director having reviewed the same and based on the foregoing and in consideration of the premises,

IT IS HEREBY ORDERED that the STIPULATION FOR CONSENT ORDER, attached hereto, is approved and adopted as an Order of the Director, and is incorporated herein as if set forth in full and made a part hereof; and,

IT IS FURTHER ORDERED that BENEFIT MANAGERS COMPANY, INC., shall pay to the Department a penalty in the amount of five thousand dollars (\$5,000.00) due and payable in full within seven (7) business days from the execution of this order.

IT IS SO ORDERED.

DATED this 5th day of JUNE, 2012.

By:


William Deal, Director

IDAHO DEPARTMENT OF INSURANCE

CERTIFICATE OF SERVICE

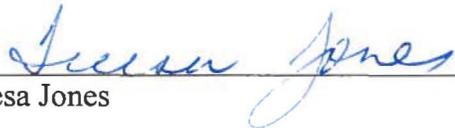
I HEREBY CERTIFY that I have, on this 5th day of June, 2012, caused a true and correct copy of the foregoing CONSENT ORDER to be served upon the following by the designated means:

Benefit Managers Company, Inc.
Attn: Warren Hysell
PO Box 190840
Boise, ID 83719

- first class mail
- certified mail
- hand delivery
- via facsimile

Richard B. Burleigh
Deputy Attorney General
Idaho Department of Insurance
700 W. State Street
Boise, Idaho 83720-0043

- first class mail
- certified mail
- hand delivery
- via facsimile



Teresa Jones

LAWRENCE G. WASDEN
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Attorneys for the Department of Insurance

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STATE OF IDAHO
DEPT OF INSURANCE

BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE

STATE OF IDAHO

In the Matter of:

Benefit Managers Company, Inc.,
an Idaho corporation,

Expired Third Party Administrator License No.
320542,

Respondent.

Docket No. 18-2766-12

**STIPULATION FOR CONSENT
ORDER**

The parties herein, namely the Idaho Department of Insurance (“**Department**”) and its counsel of record, Richard B. Burleigh, Deputy Attorney General, and Benefit Managers Company, Inc., an Idaho corporation, with expired Third Party Administrator License No. 320542 (“**BMCI**”), do hereby agree and stipulate to the following facts and conclusions of law:

1. That the Director of the Idaho Department of Insurance has jurisdiction over this matter pursuant to title 41, Idaho Code.

2. That BMCI was granted Third Party Administrator license no. 320542, effective

July 9, 2009, pursuant to the previous version of chapter 9, title 41, Idaho Code (which chapter was replaced by the current version in 2010).

3. That BMCI's Third Party Administrator (TPA) license no. 320542 expired as of December 31, 2010 due to BMCI failure to timely file for a renewal of said license.

4. That BMCI did not file for a renewal of said license (or submit a new license application pursuant to Idaho Code § 41-913) until May 17, 2012 after becoming aware that it had failed to renew its license.

5. That from and after January 1, 2011, BMCI operated and conducted business as a TPA in Idaho, notwithstanding the fact that its TPA license had expired.

6. That operating as a TPA without a license is in violation of Idaho Code §§ 41-911 and 41-912.

7. That BMCI failed to timely file a license application as required by Idaho Code § 41-913.

8. That BMCI admits the following:

a. That it failed to timely file for renewal of its administrator license as required by Idaho Code § 41-913(1):

i.) on or before December 31, 2010 with payment of a normal renewal fee or

ii.) between January 1, 2011 through January 31, 2011 subject to payment of a double renewal fee.

b. That it failed to file a new application for a home state license or nonresident administrator license as required by Idaho Code § 41-913(1) after having failed to timely file for a renewed license.

c. That it continued to operate as a TPA in the state of Idaho since January 1,

2011 notwithstanding the fact that it did not have an active nonresident or home state administrator license in Idaho as is therefor in violation of Idaho Code § 41-911 and § 41-912.

9. That Pursuant to Idaho Code § 41-117 and § 41-915(4), the Department may seek general penalties against BMCI of up to five thousand dollars (\$5,000.00) per violation of the Idaho Insurance Code.

10. That in lieu of an administrative enforcement action, the parties agree that this matter can be brought to a close by a negotiated and stipulated settlement and entry of a Consent Order.

11. That BMCI agrees to pay a five thousand dollar (\$5,000.00) penalty to the Department within seven (7) business days of the execution of the Consent Order attached hereto.

12. That nothing in this Stipulation or the Consent Order shall affect the Department's review of BMCI's pending administrator license application, which review and approval, if appropriate, shall proceed in the Department's normal course.

13. That BMCI acknowledges that it has had the opportunity to consult with counsel concerning this Stipulation and proposed Consent Order. That BMCI waives its right to notice and hearing at which it may be represented by counsel, present evidence and examine witnesses. BMCI waives its right to submit this matter for review by a court of competent jurisdiction.

14. That the parties agree that the terms of this Stipulation is appropriate and proper under the circumstances referenced herein, and that they have entered into this Stipulation knowingly, voluntarily and with full knowledge of any rights they may be waiving thereby.

15. That the parties hereby waive the right to seek reconsideration and judicial review of the Consent Order to be entered herein.

16. That the parties hereto have reviewed the proposed Consent Order, attached hereto as Exhibit A and incorporated herein by this reference, and agree as to its form and that said Consent Order may be submitted to the Director of the Idaho Department of Insurance for his review, approval and signature.

AGREED THIS 31 day of May, 2012.

Benefit Managers Company, Inc.,
an Idaho corporation

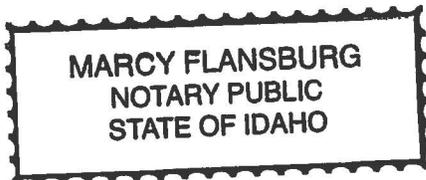
By: Warren J. Hysell
Warren J. Hysell
President

STATE OF Idaho
County of Ada) ss.

On this 31 day of May, 2012, before me, the undersigned, a Notary Public in and for said State, personally appeared Warren J. Hysell, the President of BENEFIT MANAGERS COMPANY, INC., an Idaho corporation, who executed the foregoing instrument on behalf of said company, and acknowledged to me that the said instrument is the free and voluntary act and deed of said company, for the uses and purposes therein mentioned.

WITNESS MY HAND and official seal hereto affixed the day, month and year in this certificate first above written.

My commission expires: 12/16/14



Marcy Flansburg
Notary Public in and for the
State of Idaho
Residing at Cagle

AGREED THIS 5th day of June, 2012.

IDAHO DEPARTMENT OF INSURANCE

By: Georgia Siehl
Georgia Siehl, CPA, CFE
Bureau Chief, Chief Examiner
Idaho Department of Insurance

Approved as to Form:

OFFICE OF THE ATTORNEY GENERAL

By: Richard B. Burleigh
Richard B. Burleigh
Deputy Attorney General
Attorney for the Idaho Department of Insurance

EXHIBIT A
CONSENT ORDER

LAWRENCE G. WASDEN
Attorney General

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IT IS SO ORDERED.

DATED this _____ day of _____, 2012.

By: _____
William Deal, Director
IDAHO DEPARTMENT OF INSURANCE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have, on this ____ day of _____, 2012, caused a true and correct copy of the foregoing CONSENT ORDER to be served upon the following by the designated means:

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