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Attorney General

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State of Idaho
Department of Insurance
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I.S.B. No. 3873

FILED
FEB 26 2019
Department of Insurance
State of Idaho

AM

Attorneys for the Department of Insurance

BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE

STATE OF IDAHO

In the Matter of:

**BENEFIT TRANSACT SOLUTIONS,
LLC**, a Texas limited liability company,
holding Idaho Non-Resident Third Party
Administrator License No. 510219,

Respondent.

Docket No. 18-3563-19

**ORDER OF DEFAULT REVOKING
IDAHO NON-RESIDENT THIRD
PARTY ADMINISTRATOR
LICENSE**

The Director of the Idaho Department of Insurance (“Director”) having reviewed the record herein; and BENEFIT TRANSACT SOLUTIONS, LLC (“RESPONDENT”), who currently holds Idaho Non-Resident Thirty Party Administrator License No. 510219, having been lawfully served the Verified Complaint and Notification of Rights, a copy of which is attached hereto as Exhibit A and incorporated herein, and having failed to file an answer thereto and having failed to request a hearing regarding said Verified Complaint; and the Director having found as a result thereof that

RESPONDENT has waived its rights regarding the opportunity for hearing; and in consideration of the above;

IT IS HEREBY ORDERED that Idaho Non-Resident Third Party Administrator License No. 510219 issued to RESPONDENT is REVOKED effective immediately.

IT IS SO ORDERED.

DATED this 25 day of February, 2019.

STATE OF IDAHO
DEPARTMENT OF INSURANCE

A handwritten signature in black ink, appearing to read "Dean L. Cameron", written over a horizontal line.

DEAN L. CAMERON
Director

NOTIFICATION REGARDING REPORTABLE PROCEEDINGS

This 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 of which you are actively appointed. This information will be reported to the National Association of Insurance Commissioners (NAIC) and will appear in the Idaho Department of Insurance's online searchable database. Be aware that you may be required to disclose this proceeding on any license application, and you may be required to report this action to any and all states in which you hold an insurance license.

NOTIFICATION OF RIGHTS

This constitutes a final order of the agency. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the service date of this order. The agency will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. *See* Idaho Code § 67-5246(4).

Pursuant to Idaho Code §§ 67-5270 and 67-5272, any party aggrieved by this final order may appeal it by filing a petition for judicial review in the district court of the county in which: (1) the hearing was held; or (2) the final agency action was taken; or (3) the aggrieved party resides or operates its principal place of business in Idaho; or (4) the real property or personal property that was the subject of the agency decision is located. An appeal must be filed within twenty-eight (28) days of: (a) the service date of this final order, or (b) an order denying a petition for reconsideration, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. *See* Idaho Code § 67-5273. The filing of a petition for judicial review to the district court does not itself stay the effectiveness or enforcement of the order under appeal.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of February, 2019, I caused a true and correct copy of the foregoing ORDER OF DEFAULT REVOKING IDAHO NONRESIDENT THIRD PARTY PRODUCER LICENSE to be served upon the following by the designated means:

Benefit Transact Solutions, LLC
9055 Katy Freeway, Suite 302
Houston, TX 77024

- first class mail
- certified mail
- hand delivery

Benefit Transact Solutions, LLC
P.O. Box 431547
Houston, TX 77024

- first class mail
- certified mail
- hand delivery

John C. Keenan
Deputy Attorney General
Idaho Department of Insurance
700 W. State Street, 3rd Floor
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Pamela Murray

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State of Idaho

Attorneys for Idaho Department of Insurance

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**BENEFIT TRANSACT SOLUTIONS,
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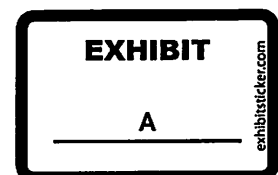
Respondent.

Docket No. 18-3563-19

**VERIFIED COMPLAINT AND
NOTIFICATION OF RIGHTS**

The Idaho Department of Insurance (hereinafter "Department"), by and through its attorney of record, John C. Keenan, Deputy Attorney General, does hereby complain and allege as follows:

1. The Director of the Department ("Director") has jurisdiction in the state of Idaho over matters involving insurance regulation and licensing, in accordance with title 41, Idaho Code.
2. This administrative proceeding is brought under the provisions of the Idaho Insurance Code, Idaho Code § 41-101 *et seq.*, including but not limited to Idaho Code § 41-915, which authorizes the Department to initiate a contested case against a third party administrator,



wherein the Director may, after an opportunity for a hearing, deny, suspend or revoke the license of an administrator, or impose a penalty of up to \$5,000 for each violation of law, if he finds that the third party administrator has violated or failed to comply with any lawful order of the director or relevant provision of title 41, Idaho Code.

3. BENEFIT TRANSACT SOLUTIONS, LLC., (hereinafter “BENEFIT TRANSACT SOLUTIONS”) is a Texas-based limited liability company that currently holds Idaho Non-Resident Third Party Administrator License No. 510219, originally issued on November 19, 2014.

4. In accordance with Idaho Code § 41-914, a third party administrator is required to file an annual report for the preceding calendar year with the Director on or before July 1 of each year.

5. The 2017 annual report for BENEFIT TRANSACT SOLUTIONS was due to be filed with the Director on or before July 1, 2018. No extension of time for filing such annual report was requested or granted.

6. On July 31, 2018, the Department sent a letter via U.S. Mail and via email to BENEFIT TRANSACT SOLUTIONS informing it that its 2017 annual report had not been received by the Department.

7. To date the Department has not received the annual report due on July 1, 2018, from BENEFIT TRANSACT SOLUTIONS.

8. BENEFIT TRANSACT SOLUTIONS is in violation of Idaho Code § 41-915(2)(a), for having failed to file its 2017 annual report due on July 1, 2018, as required by Idaho Code § 41-914(1).


PRAYER FOR RELIEF

Based on the foregoing facts as alleged, the Department prays:

1. For a conclusion that BENEFIT TRANSACT SOLUTIONS, LLC has violated Idaho Code § 41-915(2)(a), for the reason that it failed to file its 2017 annual report on or before July 1, 2018, as required by Idaho Code § 41-914(1);
2. That the BENEFIT TRANSACT SOLUTIONS, LLC Idaho Non-Resident Third Party Administrator License No. 510219 be REVOKED.
3. For such other relief that is deemed just under the circumstances.

DATED this 28 day of January, 2019.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

by 
John C. Keenan
Deputy Attorney General

VERIFICATION

STATE OF IDAHO)
 ss.
County of Ada)

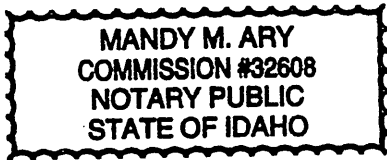
NATHAN FARAGHER, Company Activities Bureau Chief of the Department of Insurance, State of Idaho, being first duly sworn, deposes and says:


I have read the foregoing Verified Complaint and Notification of Rights and know the contents thereof and the same are true to the best of my knowledge and belief.

Dated this 28 day of January, 2019.


NATHAN FARAGHER

28th SUBSCRIBED AND SWORN to before me the undersigned Notary Public of Idaho this day of January, 2019.




Notary Public for Idaho
My Commission Expires 7/24/24

NOTIFICATION OF RIGHTS

TO: BENEFIT TRANSACT SOLUTIONS, LLC. Please read carefully. If you wish to contest any of the allegations contained in the Complaint or make any representations to the Director of the Department of Insurance in connection therewith, you must file an Answer with the Department of Insurance within twenty-one (21) days from the date you were served with the Complaint by mail or otherwise. You must also serve the undersigned counsel with a copy of the Answer. The Answer must be in writing, must specifically address each of the allegations made in the Complaint and must advise the Director fully and completely of the nature of any defense to the Complaint which you may have.

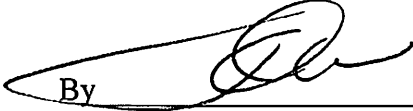
Under the Idaho Insurance Code (specifically Idaho Code §§ 41-232 *et seq.*), and to the extent not in conflict with the foregoing, the Idaho Administrative Procedure Act (specifically Idaho Code §§ 67-5240 *et seq.*), and the Idaho Rules of Administrative Procedure (IRAP, IDAPA 04.11..01.000 *et seq.*) you have a right to a hearing on the allegations in the Complaint prior to the imposition of any sanctions. However, Idaho Code § 41-232(5) provides that if you fail to answer the Complaint, the right to a hearing may be deemed waived, and without holding a hearing, the Director may enter an order granting the relief sought in the Complaint.

In lieu of holding a hearing, this matter may be resolved by negotiation, stipulation, agreed settlement or consent order, pursuant to Section 67-5241, Idaho Code. Should you wish to discuss this matter, please feel free to call me, or if represented by counsel, have your attorney call me.

You are reminded that you must answer the Complaint within twenty-one (21) days in order to avoid the entry of a default against you. Please refer all future communications or correspondence in regard to this matter to my attention.

DATED this 28 day of January, 2019.

STATE OF IDAHO
OFFICE OF ATTORNEY GENERAL

By 

JOHN C. KEENAN
Deputy Attorney General

CERTIFICATE OF SERVICE

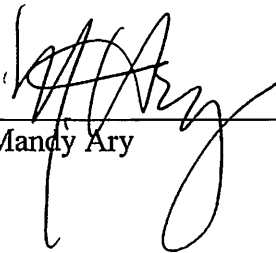
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9055 Katy Freeway, Ste. 302
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- via facsimile
- via email



Mandy Ary