

**BEFORE THE INSURANCE COMMISSIONER OF THE  
STATE OF OKLAHOMA**

**FILED**  
DEC 04 2017  
INSURANCE COMMISSIONER  
OKLAHOMA

STATE OF OKLAHOMA, ex rel. JOHN D. )  
DOAK, Insurance Commissioner, )

Petitioner, )

v. )

Case No. 17-0847-DIS

MASS BENEFITS CONSULTANTS, INC. )  
a nonresident third-party )  
administrator, )

Respondent. )

**CONDITIONAL ADMINISTRATIVE ORDER**  
**AND NOTICE OF RIGHT TO BE HEARD**

**COMES NOW** the State of Oklahoma, ex rel. John D. Doak, Insurance Commissioner,  
by and through his undersigned counsel, Barron B. Brown, and alleges and states as follows:

**JURISDICTION**

1. John D. Doak is the Insurance Commissioner of the State of Oklahoma and is charged with the duty of administering and enforcing all provisions of the Oklahoma Insurance Code, 36 O.S. §§ 101 et seq.

2. Mass Benefits Consultants, Inc. ("Respondent") is licensed by the State of Oklahoma as a nonresident third-party administrator holding license number 44199644. Its address of record is 7212 Poplar St, Annandale, Virginia 22003-0828.

3. The Insurance Commissioner may censure, suspend or revoke a third-party administrator's license and/or assess a civil penalty of not less than \$100.00 or more than \$1,000.00 for each occurrence of failing to file an annual report. 36 O.S. § 1452(A).

### **ALLEGATIONS OF FACT**

1. Pursuant to 36 O.S. § 1452(A), "[on] or before June 1 of each year, all licensed administrators shall file an annual report for the previous calendar year. Any report filed by an administrator with accumulated year-to-date premiums collected or claims paid of Fifty Thousand Dollars (\$50,000.00) or more, whichever is greater, shall have been reviewed by a certified public accountant who shall be independent of the administrator. The report shall be subscribed and sworn to by the president and attested to by the secretary or other proper officers substantiating that the information contained in the report is true and factual concerning each of the plans they administer which are governed pursuant to the provisions of the Third-party Administrator Act. The report shall include the name and address of each fund and a statement of fund equity, paid claims by the covered unit, the accumulated year-to-date paid claims, and the year-to-date reserve status."

2. Respondent's Third-Party Administrator Annual Report for the calendar year 2016 was due to the Oklahoma Insurance Department ("OID") on or before June 1, 2017. The OID did not receive the aforementioned Annual Report from Respondent until November 29, 2017.

3. Respondent was previously censured and fined one thousand dollars (\$1,000.00) by the OID for a failure to timely file an annual report violation in OID Legal Division Case No. 16-0076-DIS.

### **ALLEGED VIOLATIONS OF LAW**

1. Respondent has violated 36 O.S. § 1452(A) by failing to submit its Annual Report on or before June 1, 2017.

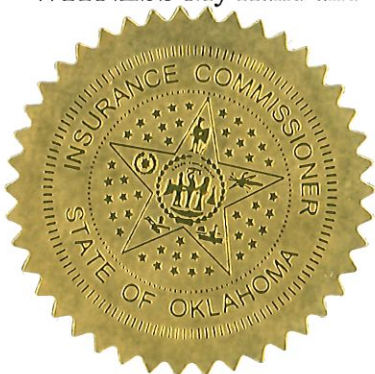
### **ORDER**

**IT IS THEREFORE ORDERED** by the Insurance Commissioner that Respondent is **FINED ONE THOUSAND DOLLARS (\$1,000.00)**. The \$1,000.00 fine is to be paid within thirty (30) days made payable to the Oklahoma Insurance Department. The \$1,000.00 civil fine shall be paid by money order or cashier's check.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** by the Insurance Commissioner that this Order is a Conditional Order. Unless the Respondent requests a hearing with respect to the Allegations of Fact set forth above within thirty (30) days of the date of mailing of this Order, this Order and the penalties set forth above shall become a Final Order on the thirty-first day following the date of mailing this Order. A request for hearing should be in writing addressed to Barron B. Brown, Oklahoma Insurance Department, Legal Division, 3625 NW 56<sup>th</sup> Street, Oklahoma City, Oklahoma 73112. The request for hearing must state the grounds for the request to set aside or modify the Order.

Any such hearing shall be conducted according to the procedures for contested cases under the Oklahoma Insurance Code (36 O.S. §§ 101 et seq.) and the Oklahoma Administrative Procedures Act (75 O.S. §§ 308a et seq.). If the Respondent serves a timely request for hearing on the Oklahoma Insurance Department, this Conditional Order shall act as notice of the matters to be reviewed at the hearing, and the Allegations of Fact, Alleged Violations of Law, and penalties imposed in this Conditional Order shall be considered withdrawn, pending final resolution at the hearing.

**WITNESS** My Hand and Official Seal this 4<sup>th</sup> day of December, 2017.



JOHN D. DOAK  
INSURANCE COMMISSIONER  
STATE OF OKLAHOMA

  
Barron B. Brown

Assistant General Counsel  
Oklahoma Insurance Department  
3625 N.W. 56<sup>th</sup> Street, Suite 100  
Oklahoma City, OK 73112

**CERTIFICATE OF MAILING**

I, Barron B. Brown, hereby certify that a true and correct copy of the above and foregoing *Conditional Administrative Order and Notice of Right to be Heard* was mailed by certified mail, with postage prepaid and return receipt requested, on this 4<sup>th</sup> day of December, 2017, to:

Mass Benefits Consultants, Inc.  
Attn: Linda Walker  
7212 Poplar St.  
Annandale, VA 22003-0828

**CERTIFIED MAIL NO:** 9214 8902 0982 7500 0034 50

and a copy was delivered to:

Regulated Industry Services Division

  
Barron B. Brown  
Assistant General Counsel

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