

GARY D. JOSEPHSON #5299
Assistant Attorney General
SEAN D. REYES #7969
Attorney General
Attorneys for Utah Insurance Department
160 East 300 South, 5th Floor
P.O. Box 140874
Salt Lake City, UT 84114-0874
Telephone (801) 366-0375

BEFORE THE INSURANCE COMMISSIONER
OF THE STATE OF UTAH

<p>UTAH INSURANCE DEPARTMENT</p> <p>Complainant,</p> <p>vs.</p> <p>SOUTHWEST BUSINESS CORPORATION License No. 4298, 9311 San Pedro, Suite 600 San Antonio, Texas 78216</p> <p>Respondent.</p>	<p>STIPULATION AND ORDER</p> <p>Docket No. 2014-059 HL Enforcement No. 3495</p> <p>Mark E. Kleinfield Administrative Law Judge</p>
---	---

STIPULATION

The Utah Insurance Department ("Department"), by and through its legal counsel, Gary D. Josephson, Assistant Attorney General, and Southwest Business Corporation ("Respondent") by and through its legal counsel, Ryan Smart, hereby stipulate and agree as follows:

1. Respondent Southwest Business Corporation, is a Non-Resident Third-Party Administrator holding License No. 4298. Respondent's address is 9311 San Pedro, Suite 600, San Antonio, Texas 78216.

2. The Department has jurisdiction over the parties and subject matter of this administrative action.

3. Respondent acknowledges notice of agency action pursuant to Utah Code § 63G-4-201; acknowledges that this Stipulation and Order is a formal proceeding pursuant to Utah Code § 63G-4-204; and irrevocably waives the right to any hearing, review or appeal concerning this matter.

4. This signed Stipulation and the signed Order by the Administrative Law Judge, along with the Findings of Fact and the Conclusions of Law, shall not be subject to any reconsideration, renegotiation, modification, hearing, or agency review or appeal.

5. If an administrative hearing were held, the Department could introduce evidence that would support the Findings of Fact presented below; therefore, the Findings of Fact and Conclusions of Law presented below are hereby accepted by the parties.


6. The issuance of the signed Order proposed below is solely for the purpose of disposing of the specific matter addressed herein.

7. The only understanding that the parties have regarding this matter are contained in this Stipulation.

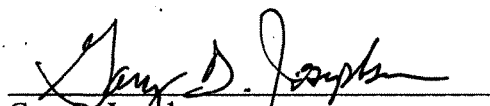
8. Respondent enters into this Stipulation voluntarily, knowingly, and free from any coercion of any kind.

9. The persons signing this Stipulation in behalf of the named parties hereby affirm that they are authorized to sign and bind the parties.

Dated this 4 day of Sept, 2014.


Ryan Smart
Attorney for Respondent

Dated this 5th day of September, 2014.


Gary D. Josephson
Assistant Attorney General
Utah Insurance Department

Based upon the foregoing Stipulation and Department file information, the Administrative Law Judge makes the following Findings of Fact:

FINDINGS OF FACT

1. In 2013, the Utah Insurance Department sent out a Utah Third-Party Administrator Survey. The survey was created to assist the Utah Insurance Department in its regulatory responsibilities. All licensed third-party administrators operating in Utah were required complete this Survey.
2. On February 13, 2014, the Department sent the Survey Notice to the Respondent, without a response. Again, on April 4, 2014, the Department sent a second notice concerning the

Third-Party Administrator Survey to Respondent, without response.

3. On April 4, 2014, the Department called Respondent and left a telephone message regarding the Survey needed by the Department. There was no response. Also, on May 13, 2014, the Department again called Respondent and left a message requesting a call back concerning the outstanding Survey. There was no response.

4. To date the Department has neither received the required Department's Survey; nor has Respondent contacted the Department concerning the Survey. The Survey Notices are attached as Exhibit "A."

Based on the Findings of Fact, the Administrative Law Judge makes the following Conclusions of law:

CONCLUSIONS OF LAW

1. Utah Insurance Code § 31A-2-202(4) requires a timely response to an inquiry from the Department. Respondent violated this statute by not responding to the Department's inquiries concerning the required Third-Party Administrator Survey. The Survey Notices are attached as Exhibit "A."

2. An administrative forfeiture amount of \$750.00 is appropriate under the circumstances.

Based on the Findings of Fact and the Conclusions of Law, the Administrative Law Judge makes the following Order:

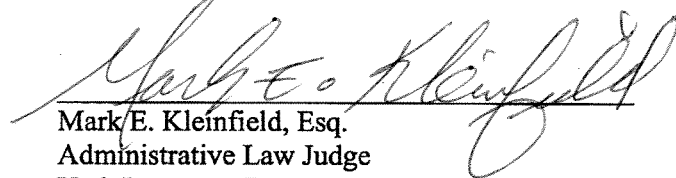
ORDER

IT IS HEREBY ORDERED

1. Respondent is assessed an administrative forfeiture in the amount of \$750.00. The forfeiture shall be paid within thirty (30) days from the date of the signing of this Order.
2. Respondent shall follow the Survey Instructions found in the two prior Survey Notices and provide a substantive response to the Department's inquiries concerning the Third-party Administrator Survey within ten (10) days from the date of the signing of this Order. The Survey Notices are attached as Exhibit "A."

DATED this 5th day of September, 2014.

Todd E. Kiser
Insurance Commissioner



Mark E. Kleinfield, Esq.
Administrative Law Judge
Utah Insurance Department
Room 3110, State Office Building
Salt Lake City, UT 84114
Telephone (801) 538-3800

NOTIFICATION

You are hereby notified that a failure to obey an Order of the Commissioner may subject you to further penalties, including forfeiture of up to \$5,000 per violation and the suspension or revocation of your license and the filing of an action in district court, which may impose forfeitures of up to \$10,000 per day for continued violation. You are further notified that other jurisdictions in which you may be licensed may require that you report this action to them.

EXHIBIT "A"



State of Utah
GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Insurance Department

TODD E. KISER
Insurance Commissioner

February 13, 2014

ATTENTION: JENNIFER HARVEY
SOUTHWEST BUSINESS CORPORATION
9311 SAN PEDRO
SUITE 600
SAN ANTONIO TX 78216

NOTICE

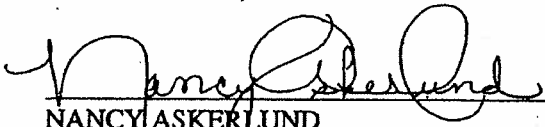
RE: 2013 UTAH THIRD PARTY ADMINISTRATOR SURVEY

The *2013 Utah Third Party Administrator Survey* is a new required filing for Utah's third party administrators. This survey has been created to assist the Utah Insurance Department in its regulatory responsibilities. Your company has been identified as being a licensed third party administrator operating in Utah. All licensed third party administrators operating in Utah are required to obtain and complete this new survey.

Utah Code Annotated (U.C.A.) § 31A-2-202 authorizes the commissioner to require this information promptly and in writing. You are therefore requested to obtain and submit the required *2013 Utah Third Part Administrator Survey* by **no later than March 15th, 2014**. All the instructions and forms necessary for completing this survey are available online at: <https://insurance.utah.gov/agent/agent-other/2013-TPA-Survey.php>

Failure to respond to this request may subject your company to the enforcement penalties under U.C.A. § 31A-2-308. Those penalties include monetary forfeitures and/or other sanctions. If you have any questions regarding this notice, please contact Kris Buckler via email at uid.healthresearch@utah.gov or via telephone at 801-538-3824.

TODD E. KISER, Insurance Commissioner


NANCY ASKERLUND
Director, Health Insurance Division



State of Utah
GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Insurance Department

TODD E. KISER
Insurance Commissioner

April 4, 2014

ATTENTION: JENNIFER HARVEY
SOUTHWEST BUSINESS CORPORATION
9311 SAN PEDRO
SUITE 600
SAN ANTONIO TX 78216

2nd NOTICE

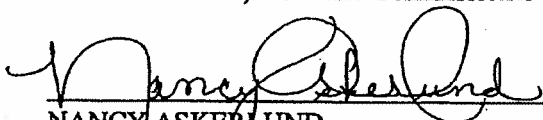
RE: 2013 UTAH THIRD PARTY ADMINISTRATOR SURVEY

The *2013 Utah Third Party Administrator Survey* is a new required filing for Utah's third party administrators. This survey has been created to assist the Utah Insurance Department in its regulatory responsibilities. Your company has been identified as being a licensed third party administrator operating in Utah. All licensed third party administrators operating in Utah are required to obtain and complete this new survey. Your company was sent a 1st Notice on February 13th, 2014. As the date of this letter, the Utah Insurance Department has not received a valid response from your company.

Utah Code Annotated (U.C.A.) § 31A-2-202 authorizes the commissioner to require this information promptly and in writing. You are therefore requested to obtain and submit the required *2013 Utah Third Part Administrator Survey* by no later than April 30th, 2014. All the instructions and forms necessary for completing this survey are available online at:
<https://insurance.utah.gov/agent/agent-other/2013-TPA-Survey.php>

Failure to respond to this request may subject your company to the enforcement penalties under U.C.A. § 31A-2-308. Those penalties include monetary forfeitures and/or other sanctions. If you have any questions regarding this notice, please contact Kris Buckler via email at uid.healthresearch@utah.gov or via telephone at 801-538-3824.

TODD E. KISER, Insurance Commissioner



NANCY ASKERLUND

Director, Health Insurance Division

CERTIFICATE OF MAILING

The undersigned hereby certify that on this date, a true and correct copy of the foregoing
STIULATION AND ORDER was mailed, postage prepaid, to the following:

Ryan Smart
Attorney at Law
5295 S Commerce Drive, Suite 200
Murray, UT 84107-5396

DATED this 5th day September, 2014



LINDA HARDY
UTAH INSURANCE DEPARTMENT
STATE OFFICE BUILDING, ROOM 3110
SALT LAKE CITY, UT 84114-6901



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Insurance Department

UTAH Invoice - Original

JENNIFER HARVEY
SOUTHWEST BUSINESS CORPORATION
9311 SAN PEDRO
SUITE 600
SAN ANTONIO TX 78216

Printed Date: September 5, 2014
Invoice Date: May 29, 2014
Balance Due: \$750.00
Due Date: June 23, 2014
Invoice ID: 696880
Payor ID: 5588

Date	Item Description	Amount	
05-29-2014	Monetary Penalty Agency	\$750.00	E-Case 3495 Docket 2014-059 HL

No Adjustments

No Payments

Balance Amount Due \$750.00

UTAH Invoice - Original

Make check payable to: Utah Insurance Department
Send payment to:
Utah Insurance Department
3110 State Office Building
Salt Lake City, UT 84114-6901

Invoice Date: May 29, 2014
Balance Due: \$750.00
Due Date: June 23, 2014
Invoice ID: 696880
Payor ID: 5588

E-Case 3495 Docket # 2014-059 HL

**Detach and Return this Voucher with Payment
Payments Will Not Be Processed without Voucher**