

PERRI ANN BABALIS #5658  
Assistant Attorney General  
SEAN D. REYES #7969  
Attorney General  
Attorneys for Utah Insurance Department  
160 East 300 South, Fifth Floor  
P.O. Box 140874  
Salt Lake City, UT 84114-0874  
Telephone (801) 366-0375  
Email: pbabalis@utah.gov

**BEFORE THE INSURANCE COMMISSIONER  
OF THE STATE OF UTAH**

UTAH INSURANCE DEPARTMENT,

Complainant,

vs.

**ACS HEALTH ADMINISTRATION INC.**  
2828 N. Haskell Ave. Bldg 1, Fl 9  
Dallas, TX 75204-2954  
License # 103773

Respondent.

**STIPULATION  
AND ORDER**

**Docket No. 2015-011 LC  
Enforcement Case No. 3574**

**Judge Mark Kleinfeld  
Administrative Law Judge**

The Utah Insurance Department (“Department”), by and through its attorney, Perri Ann Babalis, Assistant Attorney General, and ACS Health Administration, Inc. (“Respondent”), a non-resident third party administrator, hereby stipulates and agree as follows:

**STIPULATION**

1. Respondent, ACS Health Administration Inc., is a non-resident third party

administrator, holding license number 103773. Respondent's mailing address is 2828 N. Haskell Ave. Bldg. 1, Fl. 9, Dallas, Texas 75204-2954.

2. Respondent admits that the Utah Insurance Commissioner has jurisdiction over Respondent and over the subject matter of this action.

3. Respondent acknowledges notice of agency action pursuant to Utah Code Ann. § 63G-4-210; further acknowledges that this Stipulation and Order is an informal proceeding pursuant to Utah Code Ann. § 63G-4-202; and waives the right to any hearing in this matter.

4. Respondent affirms that Respondent enters into this stipulation voluntarily and knowingly.

5. Respondent affirms that the only promises, agreements, or understandings the Respondent has obtained from the Department or from an agent or representative of the Department regarding this stipulation are contained herein.

6. Respondent acknowledges that Respondent has the right to be represented by legal counsel and Respondent has either sought the advice of an attorney or has voluntarily chosen not to do so.

7. The parties acknowledge that upon approval by the Respondent and the Department, this stipulation shall be made a part of the attached final Order, and shall be the final compromise and settlement of this matter, and is not subject to agency review, reconsideration, renegotiation, modification, appeal, or hearing.

8. The Department alleges that on or about July 2012 and January 2013, two (2) administrative actions were entered against Respondent, ACS Health Administration Inc., in the state of Nevada. The Department further alleges that it failed to notify the Utah Insurance Department of the administrative actions within 30 days of said actions.

9. The Department alleges that Respondent renewed its Third Party Administrator license with the Department in January 2014, and failed to disclose the two (2) administrative actions on the renewal application.

10. The Department alleges that these actions violate Utah Code Annotated, Sections


31A-25-203(2)(a) and 31A-2-202.

11. Without admitting fault but as full settlement of all of the issues raised in the stipulation, Respondent agrees as follows:

a. Respondent agrees to pay a forfeiture in the amount of \$500.00.


b. The forfeiture will be paid within thirty (30) days from the date the attached Order is entered.

DATED this 18<sup>th</sup> day of May, 2015.

  
\_\_\_\_\_  
Michael R. Festa, President  
ACS Health Administration Inc.  
Respondent

DATED this 18<sup>th</sup> day of May, 2015.

SEAN D. REYES  
Attorney General

  
\_\_\_\_\_  
Perri Ann Babalis  
Assistant Attorney General

Based upon the foregoing Stipulation, the Administrative Law Judge hereby enters the following:

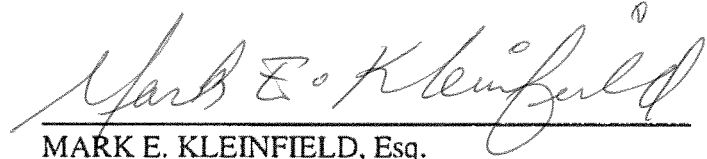
**ORDER**

IT IS HEREBY ORDERED:

1. Respondent, ACS Health Administration, Inc., is ordered to pay a forfeiture in the amount of \$500.00, due and payable within thirty (30) days from the date of this Order.

DATED this 19 day of May, 2015.

TODD E. KISER  
INSURANCE COMMISSIONER



MARK E. KLEINFELD, Esq.  
Administrative Law Judge  
Utah Insurance Department  
State Office Building, Room 3110  
Salt Lake City, Utah 84114  
Telephone (801) 538-3800  
Email: [mkleinfeld@utah.gov](mailto:mkleinfeld@utah.gov)

**NOTIFICATIONS**

1. Respondent is hereby notified that failure to abide by the terms of this Order may subject you to further penalties, including additional forfeitures of up to \$2,500.00 per violation.

2. You are further notified that other jurisdictions in which you may be licensed may require that you report this action to them.