

No. **2025-9099**

**Official Order
of the
Texas Commissioner of Insurance**

Date: 01/28/2025

Subject Considered:

BEN-E-LECT
5429 W. De Las Robles, Ste. A
Visalia, CA 93291-5376

Default Order
TDI Enforcement File No. 35796

General Remarks and Official Action Taken:

This is a default order taken against BEN-E-LECT (Respondent) because it failed to comply with requirements to maintain its third-party administrator (TPA) certificate of authority. Respondent did not respond to a Notice of Allegations mailed by the Texas Department of Insurance. This order revokes Respondent's certificate of authority.

The following findings of fact and conclusions of law are adopted.

Findings of Fact

Failure to Respond to Notice of Allegations

1. On December 6, 2024, the department sent a Notice of Allegations, attached as Exhibit A, to Respondent.
2. The department sent the Notice of Allegations to Respondent's last known address provided in writing to the department, 5429 W. De Las Robles, Ste. A, Visalia, CA 93291-5376.
3. Respondent received and waived an opportunity for a hearing because Respondent failed to send the department a written response to the Notice of Allegations within 20 days after the date the Notice of Allegations was mailed.

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4. The department's factual allegations set out in the attached Notice of Allegations are incorporated in this order as findings of fact.

Conclusions of Law

1. The commissioner has jurisdiction under Texas law, including TEX. INS. CODE §§ 82.051–82.055, 4151.051, 4151.056, 4151.205, 4151.206, 4151.212, 4151.301–4151.309; TEX. GOV'T CODE §§ 2001.003(1) and 2001.051–2001.178; and 28 TEX. ADMIN. CODE §§ 7.1601, 7.1603, and 7.1609.
2. The commissioner has authority to dispose of this case informally under TEX. GOV'T CODE § 2001.056; TEX. INS. CODE § 82.055; and 28 TEX. ADMIN. CODE § 1.47.
3. The department provided proper notice to Respondent under TEX. GOV'T CODE §§ 2001.003(1), 2001.051, 2001.052, 2001.054, and 2001.056(4), and 28 TEX. ADMIN. CODE §§ 1.28 and 1.47.
4. Based on Respondent's failure to send the department a written response to the Notice of Allegations, the department is entitled to disposition by default under 28 TEX. ADMIN. CODE § 1.47.
5. Respondent failed to show compliance with the law.
6. The department's factual and legal allegations set out in the attached Notice of Allegations are incorporated in this order and deemed admitted as true under 28 TEX. ADMIN. CODE § 1.47.

Order

It is ordered that the third-party administrator certificate of authority held by BEN-E-LECT is revoked.

It is also ordered that BEN-E-LECT cease and desist engaging in the business of a third-party administrator in Texas.

Signed by:

FC5D7EDDFB4F8...

Cassie Brown
Commissioner of Insurance

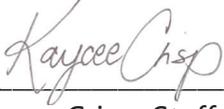
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Prepared and reviewed by:

A handwritten signature in cursive script that reads "Kaycee Crisp". The signature is written in black ink and is positioned above a horizontal line.

Kaycee Crisp, Staff Attorney
Enforcement

Affidavit

STATE OF TEXAS §

§

COUNTY OF TRAVIS §

Before me, the undersigned authority, personally appeared David Moreno, who, being by me duly sworn, deposed as follows:

"My name is David Moreno and I am employed by the Texas Department of Insurance. I am of sound mind, capable of making this affidavit, and have personal knowledge of these facts which are true and correct.

I have reviewed TDI's records concerning BEN-E-LECT. I have confirmed that:

- a. The last mailing address provided to the department in writing by BEN-E-LECT is 5429 W. De Las Robles, Ste. A, Visalia, CA 93291-5376.
- b. The file maintained by Enforcement contains a Notice of Allegations dated December 6, 2024, which was sent to BEN-E-LECT.
- c. On December 6, 2024, the Notice of Allegations addressed to BEN-E-LECT was mailed first-class and certified, return receipt requested, to its last known address.

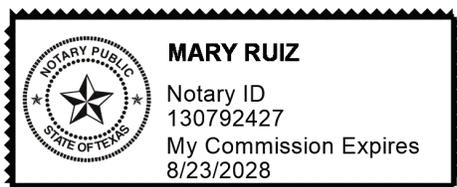
Copies of the first-class mail log and certified mail log maintained by Enforcement are attached as Exhibit B and Exhibit C, respectively."

Signed by:


 1B24E0F9E59C499...
 Affiant

SWORN TO AND SUBSCRIBED before me by means of an interactive two-way audio and video communication on 1/6/2025. This notarial act was an online notarization.

Notary Seal



Digital Certificate

Signed by:


 795DC4D59167489...
 Notary Public State of Texas

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PO Box 12030 | Austin, TX 78711 | 800-578-4677 | tdi.texas.gov

December 6, 2024

BEN-E-LECT
5429 W. De Las Robles, Ste. A
Visalia, CA 93291-5376

Via CM/RRR No.9214 8901 9403 8390 6408 19
Via First Class Mail
Via Email: mrsmith@benelect.com

**TDI ENFORCEMENT CASE NO. 35796
NOTICE OF ALLEGATIONS AGAINST BEN-E-LECT**

The Texas Department of Insurance (TDI) seeks to take disciplinary action against BEN-E-LECT to revoke its certificate of authority to act as a third party administrator. This Notice states the allegations against BEN-E-LECT and the relief sought by TDI.

YOUR WRITTEN RESPONSE IS REQUIRED WITHIN 20 DAYS

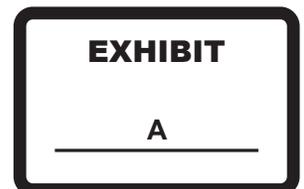
YOU HAVE THE RIGHT TO A HEARING AND ARE INVITED TO SHOW COMPLIANCE WITH THE LAW. To request a hearing, you must send a written response to TDI within 20 days of the date this Notice was mailed.

If you fail to send a written response by the deadline, *you waive your right to a hearing*, and TDI may seek disposition by default under 28 TEX. ADMIN. CODE § 1.47, TEX. INS. CODE § 82.055, and TEX. GOV'T. CODE § 2001.056.

If you fail to send a written response by the deadline, without further notice to you, the commissioner of insurance may issue a default order that admits the factual matters asserted, deems all allegations as true, and orders the relief recommended in this Notice.

You must send your written response by mail, fax, or email to:

Kaycee Crisp, Staff Attorney
Texas Department of Insurance
Enforcement, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(512) 490-1020 (Fax)
Kaycee.Crisp@tdi.texas.gov



Jurisdiction

The commissioner of insurance has jurisdiction over this matter under TEX. INS. CODE §§ 82.051–82.055, 4151.051, 4151.056, 4151.205, 4151.206, 4151.212, 4151.301–4151.309; TEX. GOV'T CODE §§ 2001.051–2001.178; 28 TEX. ADMIN. CODE §§ 7.1601, 7.1603, and 7.1609; and TEX. GOV'T CODE § 2001.003(1).

Factual Allegations

1. On July 30, 2010, TDI issued BEN-E-LECT third party administrator (TPA) certificate of authority no. 2989079.
2. Texas law states that TPA certificates of authority are effective until suspended, canceled, or revoked.
3. TPAs must file annual reports by June 30th of each year covering the preceding calendar year. The report must include an audited financial statement performed by an independent certified public accountant.
4. TPAs must pay a non-refundable \$200 filing fee for each annual report.
5. A TPA is subject to discipline, including revocation of its certificate of authority, if it fails to timely file its annual report.
6. BEN-E-LECT failed to file its annual reports and pay the associated \$200 filing fees for calendar years 2019-2023.
7. On April 25, 2008, BEN-E-LECT filed an application for registration as a foreign for-profit corporation with the Texas Secretary of State.
8. On January 25, 2019, the Texas Secretary of State forfeited the registration of BEN-E-LECT.

Legal Allegations

1. BEN-E-LECT failed to timely file annual TPA reports by June 30th on a form prescribed by the commissioner, in violation of TEX. INS. CODE §§ 4151.205 and 4151.301(14), and 28 TEX. ADMIN. CODE § 7.1609.

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Notice of Allegations

BEN-E-LECT

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2. BEN-E-LECT failed to pay the annual \$200 TPA filing fee in violation of TEX. INS. CODE § 4151.206(a)(3) and 28 TEX. ADMIN. CODE § 7.1609(a).
3. BEN-E-LECT failed to maintain at all times the qualifications for a certificate of authority, as required by TEX. INS. CODE § 4151.212 and 28 TEX. ADMIN. CODE § 7.1607(e).
4. BEN-E-LECT has willfully violated an insurance law of this state, as contemplated by TEX. INS. CODE § 4151.301(1).
5. BEN-E-LECT has willfully violated a commissioner rule, as contemplated by TEX. INS. CODE § 4151.301(10).

Relief Sought

TDI seeks the following relief:

1. revocation of your TPA certificate of authority;
2. an order mandating you cease and desist from engaging in the acts of a TPA in Texas; and
3. imposition of any other just and appropriate relief to which the department may be entitled to by law, including any combination of the above actions.

Respectfully,



Kaycee Crisp
State Bar No. 24057368
Texas Department of Insurance
Enforcement, MC ENF
P.O. Box 12030
Austin, Texas 78711-2030
(512) 676-6329 (Direct)
(512) 490-1020 (Fax)
Kaycee.Crisp@tdi.texas.gov

cc: Leah Gillum, Deputy Commissioner, Fraud and Enforcement Division, MC: ENF
Rachel Cloyd, Litigation Director, Enforcement, MC: ENF

CERTIFICATE OF SERVICE

I, Kaycee Crisp, certify that a true and correct copy of this *Notice of Allegations Against BEN-E-LECT* was sent by the following methods on this 6th day of December, 2024 to:

BEN-E-LECT
5429 W. De Las Robles, Ste. A
Visalia, CA 93291-5376

Via CM/RRR No. 9214 8901 9403 8390 6408 19
Via First Class Mail
Via Email: mrsmith@benelect.com



Kaycee Crisp

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Shipment Confirmation Acceptance Notice

A. Mailer Action

Note to Mailer: The labels and volume associated to this form online, **must** match the labeled packages being presented to the USPS® employee with this form.

Shipment Date: 12/06/2024

Shipped From:

Name: MC ENF D MORENO

Address: 1601 CONGRESS AVENUE SUITE 6 900

City: AUSTIN

State: TX ZIP+4® 78701

Type of Mail	Volume
Priority Mail Express®	
Priority Mail®	
First-Class Package Service®	
Returns	
International*	
Other	1
Total	1

*Start time for products with service guarantees will begin when mail arrives at the local Post Office™ and items receive individual processing and acceptance scans.

B. USPS Action

Note to RSS Clerk:

1. Home screen > Mailing/Shipping > More
2. Select Shipment Confirm
3. Scan or enter the barcode/label number from PS Form 5630
4. Confirm the volume count message by selecting Yes or No
5. Select Pay and End Visit to complete transaction

USPS EMPLOYEE: Please scan upon pickup or receipt of mail.
Leave form with customer or in customer's mail receptacle.

USPS SCAN AT ACCEPTANCE



9275 0901 1935 6200 0057 5173 38



KAY/35796

EXHIBIT

C



Firm Mailing Book For Accountable Mail

Name and Address of Sender
MC ENF D MORENO
TEXAS DEPARTMENT OF INSURANCE
1601 CONGRESS AVENUE, SUITE 6.900
AUSTIN TX 78701

- Check type of mail or service
- Adult Signature Required
 - Adult Signature Restricted Delivery
 - Certified Mail
 - Certified Mail Restricted Delivery
 - Collect on Delivery (COD)
 - Insured Mail
 - Priority Mail
 - Priority Mail Express
 - Registered Mail
 - Return Receipt for Merchandise
 - Signature Confirmation
 - Signature Confirmation Restricted Delivery

Affix Stamp Here
(for additional copies of this receipt).
Postmark with Date of Receipt.

USPS Tracking/Article Number

1. 9214 8901 9403 8390 6408 19

KAY/35796

Addressee (Name, Street, City, State, & ZIP Code™)

BEN-ELECT
5429 W. DE LAS ROBLER, STE. A
VISALIA, CA 93291-5376

Postage	(Extra Service) Fee	Handling Charge	Actual Value if Registered	Insured Value	Due Sender if COD	ASR Fee	ASRD Fee	RD Fee	RR Fee	SC Fee	SCRD Fee	SH Fee
0.97	4.85								2.62			

RECEIVED
DEC 09 2024
TDI - ENFORCEMENT

Total Number of Pieces Listed by Sender: 1

Total Number of Pieces Received at Post Office: 1

Postmaster Per (Name of receiving employee)

Complete in Ink



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