

BEFORE THE DIVISION OF INSURANCE  
DEPARTMENT OF LABOR AND REGULATION  
STATE OF SOUTH DAKOTA

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IN THE MATTER OF )      CONSENT ORDER  
INSTITUTION SOLUTIONS II, LLC )

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In resolution of the above matter and in lieu of issuance of a Notice of Hearing and a formal hearing, the undersigned parties do hereby agree to the following:

INSTITUTION SOLUTIONS II, LLC (“INSTITUTION SOLUTIONS”), whose address of record is 111 W. Spring Valley Ste. 200, Richardson, TX holds a business entity license in the State of South Dakota. INSTITUTION SOLUTIONS has also filed a TPA registration application in the state of South Dakota;

INSTITUTION SOLUTIONS is aware that the South Dakota Division of Insurance (“Division”) has conducted an investigation;

The South Dakota Division of Insurance alleges the following:

- 1) INSTITUTION SOLUTIONS filed a TPA registration application on November 13, 2017;
- 2) INSTITUTION SOLUTIONS failed to answer all the required questions on the TPA registration application;
- 3) INSTITUTION SOLUTIONS failed to respond to the Division’s requests for them to complete the application, dated November 17, 2017 and December 29, 2017, in violation SDCL §§ 58-33-66 and 58-33-68;
- 4) Notice of INSTITUTION SOLUTIONS’s TPA registration application denial was sent to the company on March 19, 2018;
- 5) After notice of the denial was received by INSTITUTION SOLUTIONS, the company informed the Division that it wished rectify the situation;
- 6) INSTITUTION SOLUTIONS has since provided all of the required information to the Division;
- 7) Any of the above-cited conduct may be grounds for the denial of INSTITUTION SOLUTIONS’ TPA registration application pursuant to SDCL §§ 58-29D-31(4), 58-33-66, and 58-33-68;

INSTITUTION SOLUTIONS is aware of and understands the nature of the charges and has been informed that it has the right to notice, hearing, and appeal, and that by agreeing to and signing this Consent Order waives these rights;

In return for INSTITUTION SOLUTIONS agreeing to and complying with the provisions of this Consent Order, the Division agrees not to proceed to administrative hearing and agrees that this Consent Order will constitute an informal disposition of this licensing matter pursuant to SDCL § 1-26-20;

By the execution of this Consent Order and the payment of a penalty pursuant to this Consent Order, INSTITUTION SOLUTIONS waives its right to contest the allegations contained in this Consent Order in any future actions or licensing procedures with the Division;

INSTITUTION SOLUTIONS further agrees to pay \$5,000 pursuant to SDCL §§ 58-29D-31 and 58-4-28.1, in lieu of an administrative hearing and Final Decision;

INSTITUTION SOLUTIONS further agrees to conduct itself in accordance with the insurance laws and regulations of the State of South Dakota;

INSTITUTION SOLUTIONS further agrees that this Consent Order may be considered for the purpose of determining the appropriate sanction in any future actions with the Division for any violations of the laws or regulations of the State of South Dakota or for failing to abide by any order of the Director;

INSTITUTION SOLUTIONS waives its right to contest the allegations contained in this Consent Order in any future actions or licensing procedures;

Wherefore, good cause appearing from the foregoing, it is hereby ORDERED that INSTITUTION SOLUTIONS pay a monetary penalty in the amount of \$5,000 payable to "South Dakota Division of Insurance" for deposit in the general fund of the State of South Dakota; and it is further

ORDERED that the Division's March 19, 2018 denial letter to INSTITUTION SOLUTIONS' is hereby withdrawn and is void ab initio; and it is further


ORDERED that INSTITUTION SOLUTIONS' TPA registration application is approved as of the effective date of this order; and it is further

ORDERED that INSTITUTION SOLUTIONS abide by the agreements made in this Consent Order; and it is further

ORDERED that the use of this Consent Order for competitive purposes by an insurance agent or third-party administrator holding a license in the State of South Dakota, or by any company holding a Certificate of Authority, or by anyone on their behalf, may be deemed unfair competition and be grounds for suspension or revocation of said license or authority; and it is further

ORDERED that the provisions of this Consent Order shall be effective from the date the Director signs this Order.

Dated at Pierre, South Dakota this 6<sup>th</sup> day of December, 2018.

  
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Larry Deiter, Director  
South Dakota Division of Insurance

*(Signature of Respondent on following page)*

The undersigned, on behalf of INSTITUTION SOLUTIONS, represents it understands the terms of this Consent Order and the waiver of its due process rights and voluntarily enter into this Consent Order.

Dated this 5th day of December, 2018.



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Signature of Authorized Representative

**Paul Clappitt**

\_\_\_\_\_  
Printed Name

**Chairman**

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Title