

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

IN THE MATTER OF )  
ESIS, INC. ) CONSENT ORDER

In resolution of the above titled matter and in lieu of administrative action concerning compliance with the insurance laws of the State of South Dakota, the undersigned parties do hereby agree to the following:

ESIS, INC., ("ESIS") whose address of record is 436 Walnut Street, Philadelphia, PA 19106 is an entity licensed as a TPA in the State of South Dakota;

ESIS is aware that the South Dakota Division of Insurance ("Division") has conducted an investigation regarding their activity in this state;

The Division alleges the following with regard to ESIS:

- 1) ESIS failed to pay a fine assessed by the South Dakota Dept. of Labor and Regulation, in violation of SDCL § 62-6-3;
- 2) ESIS failed to respond to the Division's inquiries within 20 days, in violation SDCL § 58-33-66(1);
- 3) ESIS failed to pay a judgment rendered against it in this state within sixty days after the judgement becomes final violate SDCL § 58-29D-31(3);
- 4) Pursuant to SDCL § 58-29D-31(4), the Director of the Division may suspend or revoke ESIS's TPA registration for any of the above-cited reasons.

ESIS is aware of and understands the nature of the allegations and has been informed that it has the right to a Notice of Hearing, counsel and appeal and that by agreeing to sign this Consent Order, and it affirmatively waives these rights;

In return for ESIS agreeing to and complying with the provisions of this Consent Order, the Division agrees not to suspend or revoke ESIS's TPA registration 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, ESIS waives its right to contest the allegations contained in this Consent Order in any future actions or licensing procedures with the Division;

ESIS agrees to pay \$20,000 pursuant to SDCL §§ 58-29D-31, 58-29D-33 and 58-4-28.1, in lieu of a Final Order and further agrees to conduct itself in accordance with the insurance laws and regulations of the State of South Dakota;

ESIS 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;

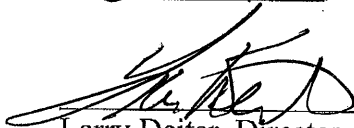
Wherefore, good cause appearing from the foregoing, it is hereby ORDERED that ESIS pay a monetary penalty in the amount of \$20,000 payable to "South Dakota Division of Insurance" to be submitted with this completed Consent Order for deposit in the general fund of the State of South Dakota; and it is further

ORDERED that ESIS abide by the agreements made by it 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 27<sup>th</sup> day of December, 2021.

  
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Larry Deiter, Director  
South Dakota Division of Insurance

The undersigned, on behalf of ESIS, 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 20th day of December, 2021

DocuSigned by:  
Mark A. Hursh  
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Signature of Authorized Representative  
Mark A. Hursh  
\_\_\_\_\_  
Printed Name  
SVP/COO  
\_\_\_\_\_  
Title