STATE OF OREGON
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
DIVISION OF FINANCIAL REGULATION

In the Matter of TOGETHERHEALTH INSURANCE, LLC, Respondent.	Case No. INS-21-0069 ORDER TO CEASE AND DESIST, ORDER ASSESSING CIVIL PENALTIES, AND CONSENT TO ENTRY OF ORDER

The Division of Financial Regulation (the "Division"), acting on behalf of the Director of the Department of Consumer and Business Services for the State of Oregon (the "Director"), conducted an investigation of TogetherHealth Insurance, LLC ("Respondent"). The Division determined that Respondent violated provisions of Oregon Revised Statutes ("ORS") chapters 731, 732, 733, 734, 735, 737, 742, 743, 743A, 744, 746, 748 and 750 ("Insurance Code") and the Oregon Administrative Rules ("OAR") promulgated under those laws.

Respondent submits to the Director's jurisdiction and agrees to waive its rights to notice and an administrative hearing under ORS 183.415 and wishes to resolve this matter by consenting to entry of this Consent Order.

Now, therefore, as evidenced by the authorized signature(s) subscribed herein, the Director issues the following Findings of Fact, Conclusions of Law, and Final Orders.

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350 Winter Street NE, Suite 410
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FINDINGS OF FACT

The Director FINDS that:

1. Respondent's National Association of Insurance Commissioners ("NAIC") license number is 3000478864 and national producer number is 18763179. Respondent is licensed in Oregon as an insurance producer business entity.

2. Respondent employs an individual identified herein as "SB." SB is a licensed

non-resident insurance producer.

3. Respondent, as an authorized submitter of SB, completed and filed two applications to the Division for an Oregon non-resident insurance producer license on behalf of SB.

4. On October 27, 2021, Respondent filed the first application for an Oregon non-resident insurance producer license on behalf of SB (the "First Application").

5. Question 1a on the insurance producer license application asks: "Have you ever been convicted of a misdemeanor, had a judgment withheld or deferred, or are you currently charged with committing a misdemeanor?" Based on the information SB supplied to Respondent for purposes of completing the license application, Respondent answered the First Application Question 1a accurately with a "yes."

6. SB reviewed and approved of the First Application before Respondent filed it.

7. On November 9, 2021, Respondent filed the second application for an Oregon non-resident insurance producer license on behalf of SB (the "Second Application").

8. The Second Application answered Question 1a answered inaccurately with a "no."

9. Because of the inaccurate answer provided on the Second Application, the Division's licensing system did not flag the application for manual review and the system automatically issued a license to SB before the Division had the opportunity to review and evaluate the First Application.[1]

10. Respondent and SB represent to the Division that SB reviewed and approved the First Application before the authorized submitter filed it, but that SB did not review or approve the Second Application nor was SB even aware that the Second Application was filed. Respondent represents that the Second Application was submitted in error, which

[1] SB had a misdemeanor adjudication withheld in 1986. The application would not have been denied with the proper disclosure of that withheld judgment.

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Respondent attributes to a problem with its third-party software.

11. Respondent represents to the Division that it is investigating potential software errors with its third-party software provider regarding the flagging of duplicate filings and that it will implement remedies to attempt to prevent such errors in the future. Respondent acknowledges that it is ultimately responsible for compliance with the Insurance Code irrespective of its use or reliance on third-party software.

12. Respondent further represents to the Division that it has provided its employees, including its licensees and any other employees who help licensees complete and file license applications in Oregon, with information regarding the Division's license application rules and procedures. Respondent states that it has reminded its employees not to submit multiple license applications when an initial application remains outstanding, and that its employees shall ensure that all applications they submit to the Division contain accurate and truthful information.

CONCLUSIONS OF LAW

The Director CONCLUDES that:

13. Under ORS 744.074(1)(a), the Director may revoke or refuse to issue or renew an insurance producer license and may take other actions authorized by the Insurance Code in lieu thereof or in addition thereto, for providing incorrect, misleading, incomplete or materially untrue information in the license application.

14. Because Respondent provided incorrect or materially untrue information on the Second Application, submitted on behalf of SB, the Director may revoke or refuse to issue Respondent's insurance producer business entity license and may take other actions authorized by the Insurance Code under ORS 744.074(1)(a).

15. Under ORS 731.988(1), a person that violates any provision of the Insurance Code shall forfeit and pay to the General Fund of the State Treasury a civil penalty in an amount determined by the Director that does not exceed $10,000 for each offense.

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16. Because Respondent violated ORS 744.074(1)(a), the Director may impose a civil penalty against Respondent up to $10,000 under ORS 731.988(1).

17. Under ORS 731.252(1), whenever the Director has reason to believe that any person has been engaged or is engaging or is about to engage in any violation of the Insurance Code, the Director may issue an order, directed to such person, to discontinue or desist from such violation or threatened violation.

18. Because the Director has reason to believe that Respondent has violated ORS 744.074(1)(a), the Director may issue an order directed to Respondent to discontinue or desist from that violation under ORS 731.252(1).

ORDERS

The Director issues the following ORDERS:

Order to Cease and Desist

19. Pursuant to the authority of ORS 731.252(1), the Director hereby orders Respondent to CEASE AND DESIST from violating ORS 744.074(1)(a).

Order Assessing Civil Penalties

20. Pursuant to ORS 731.988(1), the Director hereby ORDERS the assessment of one thousand dollars ($1,000) in CIVIL PENALTIES against Respondent for violating ORS 744.074(1)(a).

21. The Director SUSPENDS collection of five hundred dollars ($500) of the foregoing civil penalties, provided Respondent submits simultaneously with this executed Consent Order the remaining five hundred dollars ($500) of civil penalties and Respondent complies with all terms of this Consent Order and the Insurance Code.

22. The Director agrees to waive the foregoing suspended five hundred dollars ($500) of civil penalties at the end of a period of three (3) years from the effective date of this Consent Order provided that Respondent:

A. submits to the Director simultaneously with this executed Consent Order the

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following:

i. evidence that it has conferred with its third-party license application software provider to prevent future submissions of multiple license applications while an initial application remains pending or outstanding;

ii. an acknowledgement that the company and its employees are responsible for compliance with the Insurance Code irrespective of their use or reliance on any third-party software provider;

iii. a statement that the company has conducted an internal review to identify any other duplicate licensing applications that it may have submitted to the Division in error and that the company either has reported any such submissions to the Division or has not identified any such submissions; and

iv. evidence that it has provided its licensees, authorized submitters, and any other employees who participate in the license application process with training and information regarding the Division's license application rules and procedures; and

B. complies with the Insurance Code and the terms and conditions of this Consent Order.

23. If Respondent fails to comply with this Consent Order or otherwise fails to comply with the Insurance Code within the period of three (3) years, then the suspended portion of the civil penalties shall become immediately due and payable and the Division may take additional action against Respondent.

NONDISCHARGEABILITY

24. Respondent agrees the facts and violations set forth in this Order may be taken as true without further proof in any bankruptcy case or subsequent civil litigation the Director may pursue to enforce its rights to any payment or money judgment under the terms of this Order, including but not limited to any nondischargeablity complaint in any

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bankruptcy proceeding and that this Order shall have collateral estoppel effect in any bankruptcy case.

FINAL ORDER

25. This Order is a "Final Order" under ORS 183.310(6)(b). Subject to that provision, entry of this Order in no way limits or prevents further remedies, sanctions, or actions which may be available to the Director under Oregon law to enforce this Order, for violations of this Order, for conduct or actions of Respondent that are not covered by this Order, or against any party not covered by this Order.

IT IS SO ORDERED.

Dated this 3rd day of March, 2022.

ANDREW R. STOLFI, Director
Department of Consumer and Business Services

/s/ Dorothy Bean
Dorothy Bean, Chief of Enforcement
Division of Financial Regulation

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CONSENT TO ENTRY OF ORDER

I, Domenick C. DiCicco Jr., state that I hold the title of Chief Executive Officer and I am an authorized representative of Respondent TogetherHealth Insurance, LLC ("TogetherHealth") with the authority to sign this Consent Order on behalf of TogetherHealth. I have read the Order and I fully understand the contents hereof. I have been advised of the right to a hearing and of the right to be represented by counsel in this matter. TogetherHealth voluntarily consents to the entry of this Order without any force or duress, expressly waiving any right to a hearing in this matter, as well as any rights to administrative or judicial review of this order. TogetherHealth understands that this is a "Final Order" under ORS 183.310(6)(b). TogetherHealth understands that the Director reserves the right to take further action to enforce this Order or to take appropriate action upon discovery that TogetherHealth has committed other violations of the Insurance Code. TogetherHealth will fully comply with the terms and conditions stated herein.

TogetherHealth understands that this Order is a public document.

Signature: /s/ Domenick C. DiCicco Jr.

Title: Chief Executive Officer

State of Florida

County of Hillsborough

Signed or attested before me on this 17th day of February, 2022 by Domenick C. DiCicco Jr.

/s/ Susan M. Cowan

Notary Public

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