

**STATE OF NEW HAMPSHIRE
INSURANCE DEPARTMENT**

**In Re: Selman & Company, LLC
Docket No.: Ins. No. 23-033-EP**

**ORDER TO SHOW CAUSE
AND
NOTICE OF HEARING**

The New Hampshire Insurance Department (“NHID”) orders Selman & Company, LLC (“Respondent”) to show cause why the New Hampshire Insurance Commissioner should not suspend its certificate of authority to operate as a third party administrator in this state and fine it. In support of the Order to Show Cause and pursuant to RSA 126-Q:5, RSA 541-A:31, RSA 400-A:17 *et seq.* and Ins Chapter 200, the NHID states as follows:

STATEMENT OF FACTS

1. Respondent is an Ohio domiciled third party administrator which is authorized to do business in this state pursuant to NH RSA 402-H.
2. NH RSA 126-Q created the NH Vaccine Association (“NHVA”) which provides for the billing and receipt of funds from assessable entities to be used for the cost of vaccines to certain children in New Hampshire.
3. NH RSA 126-Q requires that all third party administrators be assessed a liability calculated on the assessable lives receiving health insurance coverage administered by the third part administrator. Those assessments are completed on a quarterly basis.
4. On November 1, 2022, Erin Meagher, a representative of the NHVA e-mailed Respondent reminding it that its filing and payment for Quarter 3 2022 was due in two weeks; Mim Thurman, Director of Human Resources for Respondent replied that Respondent had been acquired by Risk Strategies Corporation (“RSC”), which would be responsible for said assessment.
5. On November 18, 2022, Ms. Meagher e-mailed Ms. Thurman as well as Emma Rodriguez at RSC reminding them of the obligation to file and pay the NHVA assessment. Neither replied to that e-mail.
6. On November 28, 2022, Ms. Meagher e-mailed Ms. Thurman as well as Ms. Rodriguez at RSC reminding them of the obligation to file and pay the NHVA assessment. Neither replied to that e-mail.

7. On December 7, 2022, Ms. Meagher yet again e-mailed Ms. Thurman as well as Ms. Rodriguez at RSC reminding them of the obligation to file and pay the NHVA assessment, indicating that the assessment was past due and interest would continue to accumulate.
8. That same day, Ms. Maria Caballero, Director of Benefits at RSC replied and requested additional information about the NHVA and the assessment and the best way to proceed with filing and paying the assessment.
9. The following day, December 8, 2022, Ms. Meagher of the NHVA replied and provided additional information about the NHVA and the assessment to Respondent. No one responded to that e-mail.
10. On December 15, 2022, Ms. Meagher called Ms. Caballero but was unable to leave a message because her inbox was full. Ms. Meagher then e-mailed Ms. Caballero at RSC, sharing that Ms. Caballero's telephone inbox was full and unable to receive a message, but that she was waiting to obtain additional information to continue processing of Respondent's obligation to file and pay the assessment pursuant to NH RSA 126-Q.
11. On December 16, 2022, Ms. Caballero replied via e-mail and asked Ms. Meagher to input Ms. Caballero's e-mail as the individual with access to the NHVA system to file and pay the assessment for Respondent.
12. Ms. Meagher responded that same day and shared that she had changed the e-mail to Ms. Caballero and provided her a hyperlink to the NHVA online assessment tool. She also provided times and dates on which she would be available for a phone call to walk Ms. Caballero through the online assessment tool.
13. Ms. Caballero never responded to that e-mail.
14. On December 21, 2022, Ms. Meagher e-mailed Ms. Caballero again and shared that the Quarter 4 assessment would be beginning the next month.
15. On January 25, 2023, Ms. Meagher sent a late filing letter Respondent to the attention of Ms. Caballero and copied Mr. Paul Moga, Director of HR Operations at RSC. Neither responded to that letter.
16. On February 9, 2023, Ms. Meagher sent a late filing letter to Respondent to the attention of the Compliance Department and copied Mr. Moga, Director of HR Operations at RSC. No one responded to that letter.

17. On May 2, 2023, Ms. Meagher e-mailed a reminder to Respondent that Quarter 1 2023 filings and assessments were due by May 15, 2023. Respondent did not respond to that message.
18. On August 2, 2023, Ms. Meagher e-mailed a reminder to Respondent that Quarter 2 2023 filings and assessments were due by August 15, 2023. Respondent did not respond to that message.
19. Though required to pay the assessments on assessable lives pursuant to NH RSA 126-Q, Respondent has failed to do so over the last four quarters.

STATEMENT OF ISSUES

20. Whether Respondent violated NH RSA 126-Q:3 and NH RSA 126-Q:4 by failing to file and pay the assessment for assessable lives pursuant to NH RSA 126-Q.
21. The NHID reserves the right to amend this statement of issues upon reasonable notice to the Commissioner (or his designated Representative) and the Respondent.

INSURANCE LAWS VIOLATED BY RESPONDENT

22. The NHID maintains the Respondent violated the following New Hampshire statutes: NH RSA 126-Q:3; NH RSA 126-Q:4.
23. The NHID reserves the right to amend this list of insurance laws violated by the Respondent upon reasonable notice to the Commissioner (or his designated Representative) and the Respondent.

PENALTY REQUESTED

24. In the event that the Hearing Officer determines after an evidentiary hearing that the NHID sustained its burden of proof with respect to the allegations of fact and violations of law outlined above, the NHID requests that the Hearing Officer impose the following sanctions on the Respondent:
 - a. Order suspension of Respondent's New Hampshire certificate of authority to act as a third party administrator; and
 - b. Order Respondent to pay a fine at minimum of \$5,000 for each failure to pay the quarterly assessment, or at maximum of 25 percent of the total amount of delinquent assessments.

NOTICE OF HEARING

25. An adjudicatory proceeding shall be commenced for the purpose of resolving the issues articulated above pursuant to NH RSA 126-Q:5, NH RSA 541-A:31, NH RSA 400-A:17:6, *et seq.*, and Ins 200. To the extent that the Department's rules do not address an issue of policy or procedures, the Department shall apply the N.H. Department of Justice Rules, Part 800.
26. The Respondent shall appear at Department on **October 26, 2023, at 1:30 PM** at the Department's office located at 21 South Fruit Street, Suite 14, in Concord New Hampshire to participate in this adjudicatory proceeding and, if deemed appropriate, be subject to sanctions pursuant to RSA 126-Q:5 and RSA 400-A:15, III. Respondent's failure to appear at the time and place specified above may result in the hearing being held *in absentia* pursuant to RSA 400-A:19, VII, and sanctions may be imposed without further notice or an opportunity to be heard.
27. Steve Notinger, Esq. is appointed to act as Hearing Officer in this matter with all the authority within the scope of RSA 400-A:19 and Ins 203.01.
28. Sandra Barlow shall serve as clerk to the Hearing Officer. The parties should direct all communications to Ms. Barlow, whose contact information is:

Sandra Barlow, Clerk
New Hampshire Insurance Department
21 South Fruit Street, Suite 14
Concord, NH 03301
Tel: (603) 271-2033
Fax: (603)271-1406
Email: sandra.l.barlow@ins.nh.gov
29. The Respondent has the right to be represented by a lawyer in this proceeding. However, the Respondent shall bear the cost of retaining said lawyer. Should the Respondent elect to retain a lawyer, her lawyer shall file a Notice of Appearance with Ms. Barlow, and said lawyer should do so at the earliest possible date. A copy of the NHID's Notice of Appearance form is enclosed with this Order.
30. Any party may request a transcript of the proceeding. The party requesting a transcript of the proceedings shall file a written request for a certified court reporter with the Hearing Officer at least 10 days prior to the scheduled hearing date. The costs incurred for the services of a certified court reporter shall be borne by the requesting party.

31. Joshua Hilliard, Esq. shall serve as staff advocate representing the interests of the NHID.
32. All routine procedural inquiries may be made by contacting Sandra Barlow, Hearing Clerk, New Hampshire Insurance Department, 21 South Fruit Street, Suite 14, Concord NH 03301, (603) 271-2033, but that all other communications with the Hearing Officer and the Commissioner shall be in writing and filed as provided above. *Ex parte* communications are forbidden by statute and the Department's rules.
33. A copy of this hearing notice shall be served upon Respondent by certified mail addressed to the mailing address on file with New Hampshire Insurance Department. *See*, RSA 400-A:14.

It is **SO ORDERED**.

NEW HAMPSHIRE INSURANCE DEPARTMENT

Date: 9/22/23




David J. Bettercourt
Insurance Commissioner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing Order to Show Cause and Notice of Hearing was sent this date by first-class mail, postage prepaid, and by certified mail, return receipt requested, to Natalie Logan, One Integrity Parkway, Cleveland OH 44143 and licensing@risk-strategies.com the mailing and e-mail address the Respondent maintains on file with the Department.

Date: 9/22/23



Joshua S. Hilliard, Esq.
Compliance & Enforcement Counsel

NEW HAMPSHIRE INSURANCE DEPARTMENT

ATTORNEY APPEARANCE or WITHDRAWAL

Docket No. (if known): _____

Respondent Name or Case Name: _____

APPEARANCE

WITHDRAWAL

Please **ENTER** my appearance as
Counsel for _____

Please **WITHDRAW** my appearance as
Counsel for _____

I confirm that neither I nor any member of my
law firm have been retained by the Department
of Insurance or the Commissioner of Insurance.

Notice of Withdrawal sent to my client on:
_____ at the following address:

I hereby certify that I provided a copy of this original request to the Department and a copy to all other known parties to this matter in accordance with Ins 204.09.

Signed: _____

Name: _____ **NH Bar #:** _____

Firm Name: _____ **Email:** *(see also below)* _____

Physical Address: _____

Mailing Address (if different): _____

Phone: _____

Email Consent: By checking this box, I consent to delivery by email in accordance with Ins 204.09(c). Please send communications and documents to the above email address.

Date: _____ **Signature:** _____

If you do not consent to delivery by email, all communications will be sent to you by personal delivery at your physical address or by United States Postal Service first class mail to your mailing address.