



DEPARTMENT OF COMMERCE AND INSURANCE

P.O. Box 690, Jefferson City, Mo. 65102-0690

IN RE:)	
)	
BENEFIT SOURCE, INC.)	Case No. 2309220824F
)	
Applicant.)	

ORDER REFUSING TO ISSUE A THIRD PARTY ADMINISTRATOR CERTIFICATE OF AUTHORITY

CHLORA LINDLEY-MYERS, Director of the Missouri Department of Commerce and Insurance, takes up the above matter for consideration and disposition. After reviewing the Petition, the Application and relevant documents, the Director issues the following findings of fact, conclusions of law, and order:

FINDINGS OF FACT

1. Benefit Source, Inc. (“BSI”) is a South Carolina corporation. It was incorporated in South Carolina on May 8, 1973.
2. On July 13, 2023, BSI became a foreign corporation in Missouri under the name BSI Companies Incorporated, Charter No. F001428677.
3. On June 21, 2023, the Department received BSI’s Third Party Administrator (“TPA”) Application by electronic file transfer. The application form was properly notarized and was accompanied by the required \$1,000 application fee.
4. Among other application documents, BSI submitted a UCAA Form 11 biographical affidavit for Robert Harling (Sr.) – President, as required by § 376.1092.2(3), RSMo 2016.¹

¹ All statutory references are to the Revised Statutes of Missouri (2016) unless otherwise indicated.

5. On July 14, 2023, the Department informed BSI that biographical affidavits are required for all officers and directors and requested the missing biographical affidavits.
6. On July 14, 2023, BSI submitted a biographical affidavit for Robert Harling Jr. That affidavit was signed and notarized on February 14, 2019.
7. After reviewing the Harling, Jr. affidavit, on July 24, 2023, the Department requested that BSI submit a current biographical affidavit for Robert Harling Jr.
8. On July 25, 2023, BSI, through its controller Lori Lockhart, responded with a second Harling Jr. affidavit.
9. The Department reviewed this second affidavit and determined that BSI had submitted the same affidavit, with the same affiant and notary signatures, but had changed the signature and notary dates from February 14, 2019 to February 25, 2023.
10. On September 15, 2023, the Department sent an email to BSI requesting that it withdraw its application. The Department explained that the first biographical affidavit that BSI submitted for Robert Harling Jr. was outdated and that the second affidavit appeared to be a modified version of the first, since the dates were changed but the affidavit had not been prepared and signed on that date. Metadata on the "February 25, 2023" affidavit indicated that the file was created on May 14, 2019. The Department requested that BSI respond to indicate whether it would be withdrawing its application by September 22, 2023.
11. On September 15, 2023, BSI responded, again through its controller Lori Lockhart, who stated that BSI would not withdraw its application. Ms. Lockhart then submitted a new biographical affidavit for Robert Harling Jr. on September 18, 2023.

CONCLUSIONS OF LAW

12. Section 376.1092.1 provides: "No person shall act as, or offer to act as, or hold himself out to be an administrator in this state without a valid certificate of authority as an administrator issued by the director."
13. Section 376.1092.2 provides, in relevant part:

Applicants to be an administrator shall make an application to the director upon a form to be furnished by the director. The application shall include or be accompanied by the following information and documents:

* * *

- (3) The names, addresses, official positions and professional qualifications of the individuals who are responsible for the conduct of affairs of the administrator, including all members of the board of directors, board of trustees, executive committee or other governing board or committee; the principal officers in the case of a corporation or the partners or members in the case of a partnership or association; shareholders

holding directly or indirectly ten percent or more of the voting securities of the administrator; and any other person who exercises control or influence over the affairs of the administrator[.]

14. Section 376.1092.4, provides:

The director may refuse to issue a certificate of authority if the director determines that the administrator or any individual responsible for the conduct of the affairs of the administrator as described in subdivision (3) of subsection 2 of this section is not competent, trustworthy, financially responsible or of good personal and business reputation, has had an insurance or an administrator license denied or revoked for cause by any state or been subject to any form of criminal, civil or administrative action by any federal or state court or agency resulting in some form of discipline or sanction.

15. The Director may refuse to issue a certificate of authority to BSI under § 376.1092.4 because BSI has not demonstrated trustworthiness as evidenced by its attempt, through its controller, to obtain the certificate of authority from the Department by presenting an affidavit with modified dates as if it were a new affidavit without obtaining new signatures and new notarization

16. The definition of “trustworthy” is “worthy of confidence” or “dependable.” *Dir. of Ins. v. Ted. L. Summers*, Mo. Admin. Hrg. Comm’n 98-001357 DI (January 22, 1999), quoting WEBSTER’S THIRD NEW INT’L DICTIONARY 2457 (1986).

17. The Director has considered BSI’s history and all of the above-described circumstances surrounding BSI’s application, and exercises her discretion to refuse to issue a Third Party Administrator Certificate of Authority to BSI.

18. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the Third Party Administrator Application of Benefit Source, Inc. is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 10th **DAY OF** January, 2024.



Chlora Lindley Myers
CHLORA LINDLEY-MYERS
DIRECTOR

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of January, 2024, a copy of the foregoing Order was served upon the Applicant in this matter by UPS, signature required, at the following addresses:

Benefit Source, Inc.
304 Ridgeland Dr.
Greenville, SC 29601-3609

Tracking No. 1Z0R15W84297878902

and to

Benefit Source, Inc.
308 Ridgeland Dr.
Greenville, SC 29601-3609

Tracking No. 1Z0R15W8A895082515



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