

**BEFORE THE INSURANCE COMMISSIONER  
FOR THE STATE OF ARKANSAS**

**ARKANSAS INSURANCE DEPARTMENT,** )  
**Petitioner** )  
)  
**vs.** )  
)  
**IN THE MATTER OF THE** )  
**MILLENNIUM MULTIPLE EMPLOYER** )  
**WELFARE BENEFIT PLAN AND** )  
**MILLENNIUM MARKETING** )  
**GROUP, L.L.C.,** )  
**Respondents** )

**A.I.D. NO. 2011- 0 5 4**

---

**EMERGENCY SUSPENSION ORDER**

---

On this day, the emergency matter of Millennium Multiple Employer Welfare Benefit Plan (“Plan”) and the Millennium Marketing Group, L.L.C. (“Millennium”) (collectively, “Respondents”) came before Jay Bradford, Arkansas Insurance Commissioner (“Commissioner”). The Arkansas Insurance Department (“Department”) is represented by Amanda J. Andrews, Associate Counsel, in this matter. From the facts and law before the Commissioner, he finds as follows:

**GENERAL STIPULATIONS**

1. The Commissioner has jurisdiction over the parties and the subject matter pursuant to Arkansas Code Annotated §§ 23-61-503, 23-65-101, 23-92-101, and other state and federal laws.
2. The Commissioner has the authority to issue an emergency license suspension pursuant to Arkansas Code Annotated §§ 23-64-216(e) and 25-15-211(c).

**FINDINGS OF FACT**

3. In AID Order No. #2004-072 (“Millennium Consent Order”), the Plan represented itself as a multiple employer welfare arrangement (“MEWA”) as defined by 29 U.S.C. § 1002(40), with Millennium as the sponsor of the Plan.

4. In the Millennium Consent Order, the Plan represented the following:
  - A. The Plan was set up pursuant to the Internal Revenue Code § 419A(f)(6) and applicable Treasury Regulations;
  - B. The Plan was an employee welfare benefit plan as defined by 29 U.S.C. 1002(1) and other applicable law; and
  - C. The Plan was fully insured, as described in 29 U.S.C. 1144(b)(6)(D).
5. The Plan represented to the Department in the Consent Order that the Plan provided two types of fixed welfare benefits to employees of participating employers: (a) a fixed amount of death benefit is payable upon the death of any Plan participant to that participant's beneficiary; and (b) in certain situations, a fixed life benefit may be paid to a Plan participant during the participant's lifetime.
6. As a condition to licensure or registration in the Millennium Consent Order, the Plan represented to the Department that it would obtain and send to the Department a written ruling or opinion from the Internal Revenue Service and United States Department of Labor regarding the representations in paragraph Four (4) of this Order.
7. In the Millennium Consent Order, the Department reserved (a) the right to revise, rescind, or affirm the Consent Order after receipt of the opinions, and (b) the right to rescind the Plan's and/or third party administrator's registrations: (i) after receipt of one or both of the opinions referenced above; (ii) if the Plan is changed and the Department does not approve the change; and (iii) if the Plan is being operated in such a way as to endanger the participants.
8. As of the date of this Emergency Order, Respondents have failed to provide the Department with any of the documentation required by the Millennium Consent Order.
9. In or about June 2010, the Plan filed for bankruptcy protection in Oklahoma, and the bankruptcy plan, which was recently approved, provided for termination of the Plan and liquidation

amongst the beneficiaries. As a result of the financial condition of the Plan, the beneficiaries to the Plan will suffer great loss.

10. The public health, safety, and welfare imperatively require emergency action.

#### CONCLUSIONS OF LAW

From the Findings of Fact contained herein, the Commissioner concludes as follows:

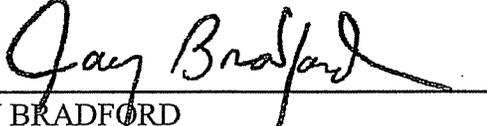
11. Respondents failed to comply with the Millennium Consent Order and such compliance was a condition of licensure in this State.

13. Given the Respondents' failure to comply with the Consent Order and for the public health, safety, and welfare of the people of this State, the Commissioner concludes that the Respondents' MEWA License No. NG-248344 is immediately and summarily suspended pending an administrative hearing pursuant to Arkansas Code Annotated § 23-64-216(e). A Notice of Hearing was sent to the Respondent simultaneously with this Order.

**IT IS HEREBY ORDERED** that:

Respondents' MEWA License No. NG-248344 is hereby SUSPENDED. During the term of this suspension, Respondent shall cease and desist any and all business related to and involving the Millennium Multiple Employer Welfare Benefit Plan unless approved by the Department.

**IT IS SO ORDERED THIS** 16<sup>th</sup> day of August, 2011.

  
\_\_\_\_\_  
JAY BRADFORD  
INSURANCE COMMISSIONER  
STATE OF ARKANSAS