

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 7543-AG08-1031-272

IN THE MATTER OF: )

US MEDPLAN ASSOCIATION HEALTH BENEFITS )  
PO Box 1779 )  
Chino Hills, CA 91709 )

REAL BENEFITS ASSOCIATION, a/k/a RBA )  
118A Fulton St., Box 138 )  
New York, NY 10038 )

AMERICAN TRADE ASSOCIATION, a/k/a ATA )  
www.atafirst.com )

SERVE AMERICA ASSURANCE, LTD )  
Address Unknown )

Type of Action: Enforcement )

**FILED**

NOV 07 2008

STATE OF INDIANA  
DEPT. OF INSURANCE

**MOTION FOR EMERGENCY CEASE AND DESIST ORDER**

The Enforcement Division of the Indiana Department of Insurance, pursuant to Indiana Code 4-21.5-4, Indiana Code 27-1-34-1 et seq. and Indiana Code 27-4-5 et seq., files its Motion for an Emergency Cease and Desist Order against U.S. Medplan Association Health Benefits, Real Benefits Association, American Trade Association and Serve American Assurance, LTD, (known collectively hereafter as "Respondents") and states:

1. The Consumer Protection Unit of the Indiana Department of Insurance ("CPU") received a complaint against the Respondents from Erin Lutz. Ms. Lutz indicated she had enrolled in the American Trade Association, thereby qualifying her for participation in their group health insurance plan referred to as US Medplan Association, on August 5, 2008. Ms. Lutz was told by the US Medplan

Association representative, Michael Lopez, that coverage would be provided effective September 1, 2008.

2. As part of the enrollment and application process, Ms. Lutz agreed to have premiums automatically withdrawn from her checking account. Respondent US Medplan withdrew funds totaling \$338.00 from Ms. Lutz's account on August 11, 2008. A second withdrawal was made on September 5, 2008 for \$213.00. However, after repeated calls and requests to their customer service phone numbers, Ms. Lutz had not received proof of insurance from Respondents US Medplan or American Trade Association.

3. On September 5, 2008, Ms. Lutz was taken to the hospital emergency room for treatment of a medical condition. Ms. Lutz believed she was covered through the healthcare plan she had purchased. However, Respondent US Medplan has since told Ms. Lutz her policy was not in effect until September 15, 2008 and that coverage would not be provided for the incident.

4. A review of the materials submitted by Ms. Lutz and a search of several internet sites indicate Respondents Real Benefits Association and American Trade Association are membership associations that solicit and provide health insurance coverage provided through US Medplan Association Health Benefits. Solicitation materials indicate the plans are underwritten and fully insured by Serve America Assurance, LTD. The associations also utilize the third party administration services of Association for Lifestyle Reform and Smart Data Solutions, LLC.

5. On October 22, 2008, the CPU mailed to Respondent US Medplan Association a request for response to Ms. Lutz complaint via certified mail number 7004 1160 0000 3841 2203. To date, a response has not been received (Exhibit A, attached hereto).

6. A search of the licensing and registration information database for the Indiana Department of Insurance reflects no registration or certificate of authority on file for any of the

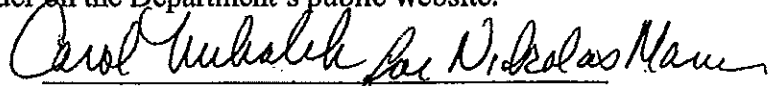
Respondents. The failure to be properly registered and authorized to transact business in Indiana is in violation of Indiana Code 27-17-2-1.

7. An emergency exists in that Respondents are offering a "discount health savings plan" to Indiana insurance consumers in violation of Indiana Code 27-17-4-1(B) and there is no registration or asserted exemption from Respondents.

8. Under Indiana Code 4-21.5-4-2(a)(1), the Commissioner may, in an emergency, issue orders without notice or an evidentiary proceeding. Upon issuance of an emergency order, the Respondent may request a hearing as quickly as practicable under Indiana Code 4-21.5-4-4.

9. The Respondents should be required to cease to transact any kind of insurance business or offer a discount health plan in Indiana until the Department can be sure that Respondents can practice in a legal, reasonable and responsible manner.

WHEREFORE, the Enforcement Division requests that the Commissioner issue an Emergency Cease and Desist Order against the Respondents under Indiana Code 4-21.5-4-2, and for all other necessary and proper relief. Due to the fact that some of Respondents' addresses are unknown, and that efforts to ascertain them have failed, the Enforcement Division further requests that service on Respondents be accomplished by posting this Order on the Department's public website.

  
Nikolas P. Mann, #26665-29  
Enforcement Division

Indiana Department of Insurance  
311 West Washington Street  
Suite 300  
Indianapolis, IN 46204-2787  
(317)232-1990-telephone / (317)232-5251-facsimile

*Atty # 1879329*

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 7543-AG08-1031-272

IN THE MATTER OF: )

US MEDPLAN ASSOCIATION HEALTH BENEFITS )  
PO Box 1779 )  
Chino Hills, CA 91709 )

REAL BENEFITS ASSOCIATION, a/k/a RBA )  
118A Fulton St., Box 138 )  
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AMERICAN TRADE ASSOCIATION, a/k/a ATA )  
www.atafirst.com )

SERVE AMERICA ASSURANCE, LTD )  
Address Unknown )

Type of Action: Enforcement )

**FILED**

NOV 07 2008

STATE OF INDIANA  
DEPT. OF INSURANCE

**ORDER GRANTING**  
**EMERGENCY CEASE AND DESIST ORDER**

The Commissioner of the Indiana Department of Insurance ("Commissioner"), having reviewed the Enforcement Division's Motion for Emergency Cease and Desist Order, and being otherwise duly advised, now finds as follows:

**FINDINGS OF FACT**

1. The Department of Insurance ("Department") is authorized to regulate the practice of insurers in Indiana under Indiana Code 27-1 et seq.
2. The Department may hold disciplinary hearings in accordance with Indiana Code

4-21.5-3 and 4.

3. Respondents are not now, nor have they ever been, authorized, licensed or registered by the Indiana Department of Insurance to transact any kind of insurance business whatsoever.

4. The Consumer Protection Unit of the Indiana Department of Insurance has received a complaint against the Respondents. The complaint indicates Respondents are soliciting and/or selling insurance or a discount health plan to Indiana residents.

#### CONCLUSIONS OF LAW

5. An emergency exists in that Respondents continue to act as an insurer and/or a discount medical program organization in Indiana without being authorized to transact business in Indiana or registering with the Department.

6. An emergency exists in that Indiana citizens are in danger of purchasing said unregistered "health plans," which will likely lead to unpaid claims.

7. In an emergency, the Commissioner may issue appropriate orders without notice or an evidentiary proceeding under Indiana Code 4-21.5-4-2(a).

#### ORDER

It is, therefore, ORDERED, that Respondents must CEASE AND DESIST from acting as insurers and/or a discount medical program organizations, from holding themselves out as such, or otherwise transacting insurance business in Indiana, or otherwise violating in any way the insurance laws of Indiana.

Pursuant to Indiana Code 4-21.5-4-2, this order remains effective for 90 days commencing on the date this order is issued.

Respondents are hereby notified of their right to a hearing concerning this order as quickly as practicable under Indiana Code 4-21.5-4-4. Due to the fact that some of Respondents' addresses are unknown, and that efforts to ascertain them have failed, Respondents are further deemed served with a copy of this Order by its posting on the Department's public website.

INDIANA DEPARTMENT OF INSURANCE

  
James Atterholt, Commissioner

Distribution to:

Nikolas P. Mann, Attorney  
Enforcement Division  
Indiana Department of Insurance  
311 W. Washington St.  
Indianapolis, IN 46402

Us Medplan Association Health Benefits  
PO Box 1779  
Chino Hills, CA 91709

Real Benefits Association, a/k/a RBA  
118A Fulton St., Box 138  
New York, NY 10038

American Trade Association, a/k/a ATA  
www.atafirst.com  
facsimile: 800-546-7402

Serve America Assurance, LTD  
Address Unknown

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE  
CAUSE NUMBER: 8351-CO09-0825-015

IN THE MATTER OF: )

Smart Data Solutions )  
4676 Highway 41 North )  
Springfield, TN 37172 )

American Trade Association, LLC )  
4676 Highway 41 North )  
Springfield, TN 37172 )

Serve America Assurance )  
Address Unknown )

Richard Bachman )  
c/o Smart Data Solutions )  
4676 Highway 41 North )  
Springfield, TN 37172 )

Obed Kirkpatrick )  
c/o Smart Data Solutions )  
4676 Highway 41 North )  
Springfield, TN 37172 )

Bart Posey )  
c/o Smart Data Solutions )  
4676 Highway 41 North )  
Springfield, TN 37172 )

Type of Action: Enforcement )

**FILED**

NOV 12 2009

STATE OF INDIANA  
DEPT. OF INSURANCE

**STATEMENT OF CHARGES**

The Enforcement Division of the Indiana Department of Insurance (the "Department"), pursuant to the Indiana Administrative Orders and Procedures Act, Indiana Code 4-21.5-1 *et seq.*, the General Powers and Duties of the Department provisions of Indiana Code 27-1 *et seq.*, and the Unfair Competition; Unfair or Deceptive Acts and Practices provisions of Indiana Code

27-4 *et seq.*, hereby files charges against the American Trade Association, Smart Data Solutions, Serve America Assurance, Richard Bachman, Obed Kirkpatrick, and Bart Posey (collectively, "Respondents"), for violations of Indiana Insurance Law.

### FACTS

1. Respondent American Trade Association ("ATA") is an Indiana domestic for-profit company with their principal offices in Springfield, TN.
2. ATA, through various marketing tools including fax solicitation, internet websites and employing insurance producers, have solicited the sale of health insurance products to Indiana consumers using marketing names such as Healthcare America, Pinnacle Health Solutions, and others.
3. While ATA's marketing materials and solicitations have focused almost exclusively on health insurance products, discount medical programs for prescriptions drugs, vision care, dental care, and other insurance and non-insurance related products are offered under the plan.
4. ATA does not hold a producer's license, certificate of authority, or any other registration or license from the Department authorizing ATA to engage in the business of insurance in Indiana.
5. Respondent Smart Data Solutions ("SDS") is a for-profit limited liability company located in Tennessee.
6. SDS and ATA share the same address and principal officers, including Respondents Richard Bachman ("Bachman"), Obed Kirkpatrick ("Kirkpatrick") and Bart Posey ("Posey"). SDS and ATA are alter-egos of one another.

7. SDS serves in the capacity of a third party administrator for ATA and Serve America Assurance.
8. SDS was denied its application for licensure in the State of Tennessee as a third party administrator.
9. SDS has never applied for, nor received, a registration from the Department to serve as a third party administrator in Indiana.
10. Respondent Serve America Assurance ("SAA") is a company purportedly based in Bermuda existing as an "offshore captive" company of Beema-Pakistan Company Limited ("Beema"), a Pakistani insurance company.
11. SAA is purportedly the insurance company underwriting health insurance benefits provided to members of ATA which are then marketed to consumers by ATA, SDS and their related entities.
12. SAA does not hold a certificate of authority to conduct business in Indiana, nor does it hold a certificate of authority or its equivalent to operate in any state in this country.
13. A due and diligent search of the Bermudan Registrar of Companies website found no evidence that SAA exists in Bermuda.
14. On October 14, 2009, the Department received a letter from Beema stating that Beema "does not own any subsidiary company or corporate legal entity outside Pakistan."
15. A due and diligent search for any and all information regarding SAA found only one website, [www.serveamericalltd.com](http://www.serveamericalltd.com), which provided any evidence to support that such an entity existed. This website refers inquiries to Beema. It does not provide any address in the United States or Bermuda.

16. In correspondence provided to the Department, and in response to a subpoena issued by the Oklahoma Insurance Department to "Domains By Proxy," an internet registration company, it was discovered that [www.serveamericalltd.com](http://www.serveamericalltd.com) is a website created and owned by Bachman.
17. A for-profit company called Serve America Assurance, LTD. Co. was established as a domestic limited liability company in South Carolina on February 5, 2009. The company was dissolved September 3, 2009.
18. The only address for Serve America Assurance, LTD. Co. provided to the South Carolina Secretary of State's Office was 117 Winding Oak Way, Blythewood, SC 29016. This is the address for the incorporating agent, Kathleen Cauthen.
19. The Department issued an Emergency Cease and Desist Order under the above cause number dated August 27, 2009, ordering Respondents to cease and desist "from acting as a health insurance provider, from holding themselves out as such, or otherwise transacting insurance business in Indiana, or otherwise violating in any way the insurance laws of Indiana."
20. Prior to the issuance of the Emergency Cease and Desist Order, Respondents sold health insurance products to citizens of Indiana, including, but not necessarily limited to: Sherri Moore of Newburgh, IN; Scott Marshall of Indianapolis, IN; Brenda Blakely of Indianapolis, IN; John Gregory of Greenwood, IN; Regina Russell of Greenwood, IN; Sheila Speighalder of New Washington, IN; Lee Miller of Newburgh, IN; Rolen Watters of Marion, IN; Melanie Higdon of New Washington, IN; Daniel Sherman of Valparaiso, IN; Radmila Trivunovic of Crown Point, IN; Celeste Davidson of Indianapolis, IN; Beatrix Shelby of LaPorte, IN; Lisa Lee of Fort Wayne, IN; Stacy

Walker of Russiaville, IN; Gregory Brown of LaGrange, IN; Franklin Marsh of Howe, IN; Glenda Park of Howe, IN; Rebecca Riggs of Fort Wayne, IN; Jeffrey Killion of Fort Wayne, IN; and Shane Miller of Decatur, IN.

21. Since the Commissioner's Emergency Cease and Desist Order was filed, the Department has learned that Respondents have continued to engage in the business of selling health insurance products to the citizens of Indiana, including, but not necessarily limited to: Rita Allen of Michigan City, IN; Eugene Sizelove of Centerville, IN; Sam Roller of Munster, IN; Stephen Irmshcer of Carmel, IN; Carol Wilson of Albion, IN; Joy Claire of Fowler, IN; Sandra Penney of Elkhart, IN; Charles Golfis of Munster, IN; Karen Robbins of Portland, IN; Judy Harris of Sullivan, IN; Darlene Norman of Evansville, IN; Joey Carmack of Jeffersonville, IN; Steven Turner of Indianapolis, IN; James Rosenberger of Richmond, IN; Jennifer Forrer of Fishers, IN; Elizabeth Dernier of Indianapolis, IN; and Alan Hummer of Muncie, IN.
22. Respondents ATA and SAA were the subjects of a previous Emergency Cease and Desist Order filed by the Commissioner on November 7, 2008 under Cause Number 7543-AG08-1031-272.
23. Respondents were the subjects of a Final Consent Cease and Desist Order in North Carolina on November 28, 2008 under Docket Number 1417.
24. Respondents were the subjects of a Cease and Desist Order in Connecticut on August 27, 2009 under Docket Number CA-09-72.
25. Respondents were the subjects of an Emergency Cease and Desist Order in Oklahoma on November 9, 2009 under Case Number 09-1544-UNI.

26. Respondents are defendants in a cause of action filed by the Indiana Office of the Attorney General in Allen County, Indiana under Case Number 02C01-09 09-MI-243 for violations of the Indiana Deceptive Consumer Sales Act, Indiana Code § 24-5-0.5-3(a) (1) as well as violations of Indiana Code § 23-18-11-2.

**COUNT I**

27. Averments 1 through 26 are fully incorporated by reference herein.
28. Respondents have sold insurance products without a certificate of authority.
29. Respondents' actions are in violation of Indiana Code § 27-1-3-20.

**COUNT II**

30. Averments 1 through 29 are fully incorporated by reference herein.
31. Respondents have acted as a third party administrator without being properly licensed as such by this Department.
32. Respondents' actions are in violation of Indiana Code § 27-1-25-12.2(a).

**COUNT III**

33. Averments 1 through 32 are fully incorporated by reference herein.
34. Respondents have engaged in a method of unfair competition by misrepresenting to Sherri Moore of Newburgh, IN that the terms and benefits of the insurance products offered were underwritten by Serve America Assurance.
35. Respondents' actions are in violation of Indiana Code § 27-4-1-4 (a)(1)(A) and are cause for discipline under Indiana Code § 27-4-1-6.

**COUNT IV**

36. Averments 1 through 35 are fully incorporated by reference herein.

37. Respondents have engaged in a method of unfair competition by misrepresenting to Scott Marshall of Indianapolis, IN that the terms and benefits of the insurance products offered were underwritten by Serve America Assurance.
38. Respondents' actions are in violation of Indiana Code § 27-4-1-4 (a)(1)(A) and are cause for discipline under Indiana Code § 27-4-1-6.

#### COUNT V

39. Averments 1 through 38 are fully incorporated by reference herein.
40. Respondents have engaged in a method of unfair competition by misrepresenting to Brenda Blakely of Indianapolis, IN that the terms and benefits of the insurance products offered were underwritten by Serve America Assurance.
41. Respondents' actions are in violation of Indiana Code § 27-4-1-4 (a)(1)(A) and are cause for discipline under Indiana Code § 27-4-1-6.

#### COUNT VI

42. Averments 1 through 41 are fully incorporated by reference herein.
43. Respondents have engaged in a method of unfair competition by misrepresenting to John Gregory of Greenwood, IN that the terms and benefits of the insurance products offered were underwritten by Serve America Assurance.
44. Respondents' actions are in violation of Indiana Code § 27-4-1-4 (a)(1)(A) and are cause for discipline under Indiana Code § 27-4-1-6.

#### COUNT VII

45. Averments 1 through 44 are fully incorporated by reference herein.

46. Respondents have engaged in a method of unfair competition by misrepresenting to Regina Russell of Greenwood, IN that the terms and benefits of the insurance products offered were underwritten by Serve America Assurance.
47. Respondents' actions are in violation of Indiana Code § 27-4-1-4 (a)(1)(A) and are cause for discipline under Indiana Code § 27-4-1-6.

#### COUNT VIII

48. Averments 1 through 47 are fully incorporated by reference herein.
49. Respondents have engaged in a method of unfair competition by misrepresenting to Sheila Spiegelhalder of New Washington, IN that the terms and benefits of the insurance products offered were underwritten by Serve America Assurance.
50. Respondents' actions are in violation of Indiana Code § 27-4-1-4 (a)(1)(A) and are cause for discipline under Indiana Code § 27-4-1-6.

#### COUNT IX

51. Averments 1 through 50 are fully incorporated by reference herein.
52. Respondents have engaged in a method of unfair competition by misrepresenting to Lee Miller of Newburgh, IN that the terms and benefits of the insurance products offered were underwritten by Serve America Assurance.
53. Respondents' actions are in violation of Indiana Code § 27-4-1-4 (a)(1)(A) and are cause for discipline under Indiana Code § 27-4-1-6.

#### COUNT X

54. Averments 1 through 53 are fully incorporated by reference herein.

55. Respondents have engaged in a method of unfair competition by misrepresenting to Rolan Watters of Marion, IN that the terms and benefits of the insurance products offered were underwritten by Serve America Assurance.
56. Respondents' actions are in violation of Indiana Code § 27-4-1-4 (a)(1)(A) and are cause for discipline under Indiana Code § 27-4-1-6.

#### COUNT XI

57. Averments 1 through 56 are fully incorporated by reference herein.
58. Respondents have engaged in a method of unfair competition by misrepresenting to Melanie Higdon of New Washington, IN that the terms and benefits of the insurance products offered were underwritten by Serve America Assurance.
59. Respondents' actions are in violation of Indiana Code § 27-4-1-4 (a)(1)(A) and are cause for discipline under Indiana Code § 27-4-1-6.

#### COUNT XII

60. Averments 1 through 59 are fully incorporated by reference herein.
61. Respondents have engaged in a method of unfair competition by misrepresenting to Daniel Sherman of Valparaiso, IN that the terms and benefits of the insurance products offered were underwritten by Serve America Assurance.
62. Respondents' actions are in violation of Indiana Code § 27-4-1-4 (a)(1)(A) and are cause for discipline under Indiana Code § 27-4-1-6.

#### COUNT XIII

63. Averments 1 through 62 are fully incorporated by reference herein.

64. Respondents have engaged in a method of unfair competition by misrepresenting to Radmila Trivunovic of Crown Point, IN that the terms and benefits of the insurance products offered were underwritten by Serve America Assurance.
65. Respondents' actions are in violation of Indiana Code § 27-4-1-4 (a)(1)(A) and are cause for discipline under Indiana Code § 27-4-1-6.

**COUNT XIV**

66. Averments 1 through 65 are fully incorporated by reference herein.
67. Respondents have engaged in a method of unfair competition by misrepresenting to Celeste Davidson of Indianapolis, IN that the terms and benefits of the insurance products offered were underwritten by Serve America Assurance.
68. Respondents' actions are in violation of Indiana Code § 27-4-1-4 (a)(1)(A) and are cause for discipline under Indiana Code § 27-4-1-6.

**COUNT XV**

69. Averments 1 through 68 are fully incorporated by reference herein.
70. Respondents have engaged in a method of unfair competition by misrepresenting to Beatrix Shelby of LaPorte, IN that the terms and benefits of the insurance products offered were underwritten by Serve America Assurance.
71. Respondents' actions are in violation of Indiana Code § 27-4-1-4 (a)(1)(A) and are cause for discipline under Indiana Code § 27-4-1-6.

**COUNT XVI**

72. Averments 1 through 71 are fully incorporated by reference herein.

73. Respondents have engaged in a method of unfair competition by misrepresenting to Lisa Lee of Fort Wayne, IN that the terms and benefits of the insurance products offered were underwritten by Serve America Assurance.
74. Respondents' actions are in violation of Indiana Code § 27-4-1-4 (a)(1)(A) and are cause for discipline under Indiana Code § 27-4-1-6.

**COUNT XVII**

75. Averments 1 through 74 are fully incorporated by reference herein.
76. Respondents have engaged in a method of unfair competition by misrepresenting to Stacy Walker of Russiaville, IN that the terms and benefits of the insurance products offered were underwritten by Serve America Assurance.
77. Respondents' actions are in violation of Indiana Code § 27-4-1-4 (a)(1)(A) and are cause for discipline under Indiana Code § 27-4-1-6.

**COUNT XVIII**

78. Averments 1 through 77 are fully incorporated by reference herein.
79. Respondents have engaged in a method of unfair competition by misrepresenting to Gregory Brown of LaGrange, IN that the terms and benefits of the insurance products offered were underwritten by Serve America Assurance.
80. Respondents' actions are in violation of Indiana Code § 27-4-1-4 (a)(1)(A) and are cause for discipline under Indiana Code § 27-4-1-6.

**COUNT XIX**

81. Averments 1 through 80 are fully incorporated by reference herein.

82. Respondents have engaged in a method of unfair competition by misrepresenting to Franklin Marsh of Howe, IN that the terms and benefits of the insurance products offered were underwritten by Serve America Assurance.
83. Respondents' actions are in violation of Indiana Code § 27-4-1-4 (a)(1)(A) and are cause for discipline under Indiana Code § 27-4-1-6.

**COUNT XX**

84. Averments 1 through 83 are fully incorporated by reference herein.
85. Respondents have engaged in a method of unfair competition by misrepresenting to Glenda Park of Howe, IN that the terms and benefits of the insurance products offered were underwritten by Serve America Assurance.
86. Respondents' actions are in violation of Indiana Code § 27-4-1-4 (a)(1)(A) and are cause for discipline under Indiana Code § 27-4-1-6.

**COUNT XXI**

87. Averments 1 through 86 are fully incorporated by reference herein.
88. Respondents have engaged in a method of unfair competition by misrepresenting to Rebecca Riggs of Fort Wayne, IN that the terms and benefits of the insurance products offered were underwritten by Serve America Assurance.
89. Respondents' actions are in violation of Indiana Code § 27-4-1-4 (a)(1)(A) and are cause for discipline under Indiana Code § 27-4-1-6.

**COUNT XXII**

90. Averments 1 through 89 are fully incorporated by reference herein.

91. Respondents have engaged in a method of unfair competition by misrepresenting to Jeffrey Killion of Fort Wayne, IN that the terms and benefits of the insurance products offered were underwritten by Serve America Assurance.
92. Respondents' actions are in violation of Indiana Code § 27-4-1-4 (a)(1)(A) and are cause for discipline under Indiana Code § 27-4-1-6.

#### COUNT XXIII

93. Averments 1 through 92 are fully incorporated by reference herein.
94. Respondents have engaged in a method of unfair competition by misrepresenting to Shane Miller of Decatur, IN that the terms and benefits of the insurance products offered were underwritten by Serve America Assurance.
95. Respondents' actions are in violation of Indiana Code § 27-4-1-4 (a)(1)(A) and are cause for discipline under Indiana Code § 27-4-1-6.

#### COUNT XXIV

96. Averments 1 through 95 are fully incorporated by reference herein.
97. Respondents have failed to comply with the Cease and Desist Order issued by the Commissioner under this cause number in selling insurance products to Rita Allen of Michigan City, IN.
98. Respondents' actions are in violation of Indiana Code § 27-4-1-12.

#### COUNT XXV

99. Averments 1 through 98 are fully incorporated by reference herein.
100. Respondents have failed to comply with the Cease and Desist Order issued by the Commissioner under this cause number in selling insurance products to Eugene Sizelove of Centerville, IN.

101. Respondents' actions are in violation of Indiana Code § 27-4-1-12.

**COUNT XXVI**

102. Averments 1 through 101 are fully incorporated by reference herein.

103. Respondents have failed to comply with the Cease and Desist Order issued by the Commissioner under this cause number in selling insurance products to Sam Roller of Munster, IN.

104. Respondents' actions are in violation of Indiana Code § 27-4-1-12.

**COUNT XXVII**

105. Averments 1 through 104 are fully incorporated by reference herein.

106. Respondents have failed to comply with the Cease and Desist Order issued by the Commissioner under this cause number in selling insurance products to Stephen Irmischer of Carmel, IN.

107. Respondents' actions are in violation of Indiana Code § 27-4-1-12.

**COUNT XXVIII**

108. Averments 1 through 107 are fully incorporated by reference herein.

109. Respondents have failed to comply with the Cease and Desist Order issued by the Commissioner under this cause number in selling insurance products to Carol Wilson of Albion, IN.

110. Respondents' actions are in violation of Indiana Code § 27-4-1-12.

**COUNT XXIX**

111. Averments 1 through 110 are fully incorporated by reference herein.

112. Respondents have failed to comply with the Cease and Desist Order issued by the Commissioner under this cause number in selling insurance products to Joy Claire of Fowler, IN.
113. Respondents' actions are in violation of Indiana Code § 27-4-1-12.

**COUNT XXX**

114. Averments 1 through 113 are fully incorporated by reference herein.
115. Respondents have failed to comply with the Cease and Desist Order issued by the Commissioner under this cause number in selling insurance products to Sandra Penney of Elkhart, IN.
116. Respondents' actions are in violation of Indiana Code § 27-4-1-12.

**COUNT XXXI**

117. Averments 1 through 116 are fully incorporated by reference herein.
118. Respondents have failed to comply with the Cease and Desist Order issued by the Commissioner under this cause number in selling insurance products to Charles Golfis of Munster, IN.
119. Respondents' actions are in violation of Indiana Code § 27-4-1-12.

**COUNT XXXII**

120. Averments 1 through 120 are fully incorporated by reference herein.
121. Respondents have failed to comply with the Cease and Desist Order issued by the Commissioner under this cause number in selling insurance products to Karen Robbins of Portland, IN.
122. Respondents' actions are in violation of Indiana Code § 27-4-1-12.

**COUNT XXXIII**

123. Averments 1 through 122 are fully incorporated by reference herein.
124. Respondents have failed to comply with the Cease and Desist Order issued by the Commissioner under this cause number in selling insurance products to Judy Harris of Sullivan, IN.
125. Respondents' actions are in violation of Indiana Code § 27-4-1-12.

**COUNT XXXIV**

126. Averments 1 through 125 are fully incorporated by reference herein.
127. Respondents have failed to comply with the Cease and Desist Order issued by the Commissioner under this cause number in selling insurance products to Darlene Norman of Evansville, IN.
128. Respondents' actions are in violation of Indiana Code § 27-4-1-12.

**COUNT XXXV**

129. Averments 1 through 128 are fully incorporated by reference herein.
130. Respondents have failed to comply with the Cease and Desist Order issued by the Commissioner under this cause number in selling insurance products to Joey Carmack of Jeffersonville, IN.
131. Respondents' actions are in violation of Indiana Code § 27-4-1-12.

**COUNT XXXVI**

132. Averments 1 through 131 are fully incorporated by reference herein.
133. Respondents have failed to comply with the Cease and Desist Order issued by the Commissioner under this cause number in selling insurance products to Steven Turner of Indianapolis, IN.
134. Respondents' actions are in violation of Indiana Code § 27-4-1-12.

**COUNT XXXVII**

- 135. Averments 1 through 134 are fully incorporated by reference herein.
- 136. Respondents have failed to comply with the Cease and Desist Order issued by the Commissioner under this cause number in selling insurance products to James Rosenberger of Richmond, IN.
- 137. Respondents' actions are in violation of Indiana Code § 27-4-1-12.

**COUNT XXXVIII**

- 138. Averments 1 through 137 are fully incorporated by reference herein.
- 139. Respondents have failed to comply with the Cease and Desist Order issued by the Commissioner under this cause number in selling insurance products to Jennifer Forrer of Fishers, IN.
- 140. Respondents' actions are in violation of Indiana Code § 27-4-1-12.

**COUNT XXXIX**

- 141. Averments 1 through 140 are fully incorporated by reference herein.
- 142. Respondents have failed to comply with the Cease and Desist Order issued by the Commissioner under this cause number in selling insurance products to Elizabeth Dernier of Indianapolis, IN.
- 143. Respondents' actions are in violation of Indiana Code § 27-4-1-12.

**COUNT XL**

- 144. Averments 1 through 143 are fully incorporated by reference herein.
- 145. Respondents have failed to comply with the Cease and Desist Order issued by the Commissioner under this cause number in selling insurance products to Alan Hummer of Muncie, IN.

146. Respondents' actions are in violation of Indiana Code § 27-4-1-12.

**COUNT XLI**


147. Averments 1 through 146 are fully incorporated by reference herein.

148. Respondents have failed to comply with the Cease and Desist Order issued by the Commissioner under this cause number in offering to sell insurance products to Stephanie Strout of Plainfield, IN.

149. Respondents' actions are in violation of Indiana Code § 27-4-1-12.

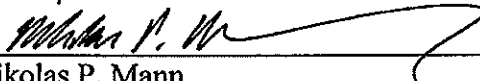
WHEREFORE, the Department, by its counsel, Nikolas P. Mann, requests that the Commissioner: (1) order Respondents to permanently cease and desist from engaging in any form of business of insurance in this state; (2) order a fine in the amount of twenty-five thousand (\$25,000.00) against Respondents jointly and severally for violation of Indiana Code § 27-1-3-20; (3) order a fine of fifty thousand dollars (\$50,000.00) per count against Respondents jointly and severally for each of the twenty-one (21) violations of Indiana Code § 27-4-1-4; (4) order a fine of twenty-five thousand dollars (\$25,000.00) per count against Respondents jointly and severally for each of the eighteen (18) violations of Indiana Code § 27-4-1-12; and (5) order any and all other appropriate relief.

Respectfully submitted,

  
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Nikolas P. Mann,  
Attorney No. 26665-29

**CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing Statement of Charges has been served upon Respondent in the captioned proceeding by mailing a copy of the same by First Class U.S. Mail, postage, this 12<sup>th</sup> day of November, 2009.



Nikolas P. Mann  
Attorney No. 26665-29

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