

SEP 2 2008

STATE OF ARIZONA

DEPARTMENT OF INSURANCE

DEPT OF INSURANCE
BY CLB

In the Matter of:)
)
UNITED BENEFITS of AMERICA, LLC)
)
Respondent)
)

**No. 08A-144 -INS
CONSENT ORDER**

The State of Arizona Department of Insurance ("Department") has received evidence that United Benefits of America, LLC ("Respondent") violated provisions of Title 20, Arizona Revised Statutes. Respondent wishes to resolve this matter without the commencement of formal proceedings, and admits the following Findings of Fact are true and consents to entry of the following Conclusions of Law and Order.

FINDINGS OF FACT

1. Timothy W. Thomas ("Thomas") is, and was at all material times licensed as a nonresident accident/health and life insurance producer, Arizona license number 888220, which license expires July 31, 2010.

2. Thomas is and was at all material times, owner and operator of United Benefits of America, LLC ("United Benefits"). United Benefits is a Tennessee limited liability company which is not licensed to transact insurance in Arizona.

3. On or about July 7, 2008, the Department received evidence that United Benefits was transacting health insurance coverage with Arizona residents by phone through its call center.

1 **CONCLUSIONS OF LAW**

2 1. The Director has jurisdiction over this matter.

3 2. "Transact", with respect to insurance, includes solicitation and inducement,
4 preliminary negotiations, effectuation of a contract of insurance and transaction of matters
5 subsequent to effectuation of the contract and arising out of it, within the meaning of A.R.S. §
6 20-106(A).

7 3. Respondent's conduct, as alleged above, constitutes selling, soliciting or
8 negotiating insurance in Arizona for any class or classes of insurance without a license for that
9 line of authority, within the meaning of A.R.S. § 20-282.

10 4. Respondent is not exempt from licensure under A.R.S. § 20-283(B).

11 5. Grounds exist for the Director to issue a cease and desist order to Respondent for
12 selling, soliciting or negotiating insurance in Arizona for any class or classes of insurance
13 without a license for that line of authority, within the meaning of A.R.S. § 20-292.

14 **ORDER**

15 **IT IS HEREBY ORDERED THAT**

16 1. Respondent shall immediately cease and desist from offering or soliciting
17 insurance applications, taking or proposing to make any insurance contract, taking or receiving
18 any application for insurance, taking or collecting any premium, fees, commission, or any other
19 consideration for any insurance contract, issuing or delivering insurance contracts to residents
20 of this state, or otherwise offering or issuing insurance contracts to Arizona residents until it
21 obtains the appropriate authority to do so from the Department.
22
23

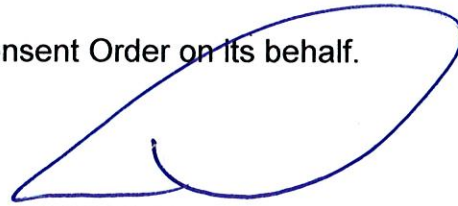
1 5. Respondent acknowledges that the acceptance of this Consent Order by the
2 Director is solely to settle this matter against it and does not preclude any other agency,
3 including the Department, officer, or subdivision of this state or this agency from instituting civil
4 or criminal proceedings as may be appropriate now or in the future.

5 6. Respondent acknowledges that this Consent Order is an administrative action
6 that the Department will report to the National Association of Insurance Commissioners
7 (NAIC). Respondent further acknowledges that it must report this administrative action to any
8 and all states in which it holds an insurance license and must disclose this administrative
9 action on any license application.

10 7. Thomas represents that he is owner and operator of United Benefits of America,
11 LLC and as such is authorized to enter this Consent Order on its behalf.

12 8-19-08

13 Date



14 _____
15 Timothy W. Thomas, License Number 888220

16 COPIES of the foregoing mailed/delivered
17 this 2nd day of September, 2008, to:

18 Timothy W. Thomas
19 c/o United Benefits of America, LLC
20 P.O. Box 2426
21 Brentwood, TN 37024

22 Mary E. Kosinski, Exec. Assistant for Reg. Affairs
23 Catherine M. O'Neil, Consumer Legal Affairs Officer
Terry Cooper, Assistant Director
Steve Fromholtz, Licensing Supervisor
Arnold Sniegowski, Investigations Supervisor
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