

M. GALE LEMMON #4363  
Assistant Attorney General  
MARK L. SHURTLEFF #4666  
Attorney General  
Attorneys for Utah Insurance Department  
State Office Building, Room 3110  
Salt Lake City, UT 84114  
Telephone (801) 538-3872

**BEFORE THE INSURANCE COMMISSIONER  
OF THE STATE OF UTAH**

**COMPLAINANT:**

UTAH INSURANCE DEPARTMENT

**RESPONDENTS:**

HEALTHSHARE AMERICA, Unlicensed  
3130-C Strawberry Road  
Pasadena, TX 77504

CHAMBERHEALTH USA, Unlicensed  
3130 C. Strawberry Road  
Pasadena, TX 77504

HEALTHSHARE MARKETING, Unlicensed  
6248 Robinson St.  
Jupiter, FL 33458

W.I.N. ASSOCIATION, Unlicensed  
2370 Corporate Circle, Suite 120  
Henderson, NV 89074

3031 C. Strawberry Road  
Pasadena, TX 77504

601 Heritage Drive  
Jupiter, FL 33458

**CEASE AND DESIST  
ORDER**

Docket No. 2008-018 HL

Enf. Case No. 2117

c/o Corporate Support Services of NV, Inc. :  
 4535 W. Sahara Ave., Suite 200 :  
 Las Vegas, NV 89102 :  
 :  
 MICHAEL BIANCHI, Unlicensed :  
 16455 Cavendish Dr. :  
 Houston, TX 77059-4712 :  
 :  
 3130-C Strawberry Road :  
 Pasadena, TX 77504 :  
 :  
 EDWIN D. WELLS, Unlicensed :  
 6248 Robinson St. :  
 Jupiter, FL 33458 :  
 :

---

COMES NOW, D. Kent Michie, Insurance Commissioner of the State of Utah, and in support of the following states:

**JURISDICTION**

That D. Kent Michie is the Insurance Commissioner of the State of Utah and is charged with the duty of administering and enforcing all provisions of the Utah Insurance Code, pursuant to Utah Code Annotated, §§ 31A-2-201 and 31A-1-105(2).

Based upon information in the files of the Insurance Department the Commissioner enters the following:

**FINDINGS OF FACT**

1. Respondents HealthShare America, ChamberHealth USA, and W.I.N. Association are entities with addresses in the states of Texas, Nevada and Florida and are owned by Respondent Michael Bianchi, a resident of the State of Texas. None of these respondents have a Utah certificate of authority to engage in the business of insurance

and are licensed to market insurance in any capacity in the State of Utah or in any other jurisdiction in the United States.

2. Respondent HealthShare Marketing is a Florida limited liability company owned and managed by Respondent Edwin D. Wells, a resident of the State of Florida. Neither of these respondents is licensed to market insurance in any capacity in the State of Utah or in any other jurisdiction in the United States.

3. Respondent HealthShare Marketing is the marketing arm of Respondents HealthShare America, ChamberHealth USA, and W.I.N. Association, and Respondent Edwin D. Wells is the National Marketing Director for said Respondents.

4. Beginning in about September 2006, Respondents HealthShare America, ChamberHealth USA, Michael Bianchi, HealthShare Marketing and Edwin D. Wells began marketing health plans in the State of Utah. Respondents signed up no fewer than 18 residents of the State of Utah as “subscribers” of these plans.

5. “Subscribers” of said plans paid monthly “subscription fees” which, after the payment of commissions and overhead expenses, were pooled by Respondents and used to pay health benefit claims of the subscribers.

6. Respondents have provided no evidence to the Utah Insurance Department establishing that they are exempt from the requirements of the Utah Insurance Code or that the laws of Utah are preempted from application to them.

7. Respondents HealthShare America and ChamberHealth USA have changed their name and become known as Respondent W.I.N. Association.

Having entered his Findings of Fact, the commissioner now enters the following:

## CONCLUSIONS OF LAW

1. Respondent's health plans constitute insurance under Utah Code Annotated § 31A-1-301(82) and health insurance under Utah Code Annotated § 31A-1-301(74)(a).

2. Respondents are not licensed nor authorized to conduct the business of insurance nor market insurance under the provisions of the Utah Insurance Code in the State of Utah.

3. In doing an insurance business and providing health insurance without obtaining a certificate of authority from the Utah Insurance Department, Respondents HealthShare America, ChamberHealth USA, W.I.N. Association and Michael Bianchi are providing unauthorized insurance in violation of Utah Code Annotated §§ 31A-1-104 and 31A-4-106.

4. In assisting in the marketing and placement of health insurance in the State of Utah by an unauthorized insurer, Respondents HealthShare Marketing and Edwin D. Wells violated Utah Code Annotated § 31A-15-102.

5. In marketing insurance in the State of Utah, Respondents HealthShare Marketing and Edwin D. Wells acted as insurance producers under Utah Code Annotated § 31A-1-301(87), and in acting as insurance producers when not licensed to do so, said Respondents violated Utah Code Annotated § 31A-23a-103.

6. Respondents' actions in providing and marketing unauthorized insurance in the State of Utah constitute an immediate and significant danger to the public welfare and such threat requires immediate action by the Insurance Department, justifying the issuance of an order requiring Respondents to immediately Cease and Desist any insurance business in the State of Utah under Utah Code Annotated § 63-46b-20.

Having entered his Findings of Fact and Conclusions of Law, the commissioner now enters the following:

**ORDER**

1. Respondents shall immediately Cease and Desist doing any insurance business in the State of Utah, including soliciting, marketing, or proposing to make any insurance contract, taking receiving or forwarding any application for insurance, collecting or receiving, in full or in part, any insurance premium or fees, issuing or delivering any insurance policy or other evidence of an insurance contract, publishing or disseminating any advertisement or information for insurance, or representing or assisting any person to do an unauthorized insurance business or to procure insurance from an unauthorized insurer.

2. Respondents shall promptly pay any claims for benefits made from residents of the State of Utah that may reasonably be payable under the terms of the health plans sold by Respondents to said Utah residents.

**NOTIFICATION**

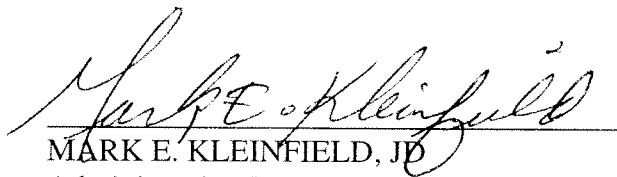
Respondents are hereby notified that failure to abide by the terms of this Order may subject them to further penalties, including additional forfeitures of up to \$5,000.00 per violation, and the filing of an action to enforce this Order in the District Court which may impose penalties of up to \$10,000.00 per day for continued violation.

You are further notified that pursuant to Utah Code Annotated §§ 31A-2-308(10) and 31A-15-102(5), any person to knowingly provides or assists in placing unauthorized insurance in the State of Utah is guilty of a felony.

Respondents are further notified that, pursuant to Utah Code Annotated § 31A-15-105, they are each liable to any insured under contracts issued by an unauthorized insurer for the full amount of a claim or loss payable under the contract.

DATED this 7<sup>th</sup> day of March, 2008.

D. KENT MICHIE  
INSURANCE COMMISSIONER



MARK E. KLEINFELD, JD  
Administrative Law Judge  
Utah Insurance Department  
State Office Building, Room 3110  
Salt Lake City, UT 84114  
Telephone (801)538-3800

CERTIFICATE OF MAILING

I do hereby certify that on this date I mailed, by regular mail, an certified mail, postage prepaid, a true and correct copy of the attached:

CEASE AND DESIST  
ORDER

To the following:

Healthshare America  
3130-C Strawberry Road  
Pasadena, TX 77504

Chamberhealth USA  
3130 C Strawberry Road  
Pasadena, TX 77504

Healthshare Marketing  
6248 Robinson St  
Jupitor, FL 33458

W.I.N. Association  
2370 Corporate Circle Suite 120  
Henderson, NV 78074

W.I.N. Association  
3030 C Strawberry Road  
Pasadena, TX 77504

W.I.N. Association  
601 Heritage Drive  
Jupiter, Fl 33458

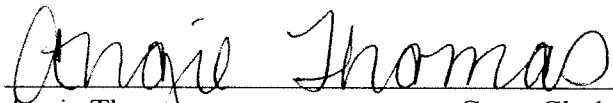
W.I.N. Association  
C/o Corporate Support Services of NV, Inc  
4535 W Sahara Ave Suite 200  
Las Vegas, NV 89102

Michael Bianchi  
16455 Cavendish Dr  
Houston TX 77059

Michael Bianchi  
3130 C Strawberry Road  
Pasadena, TX 77504

Edwin D Wells  
6248 Robinson St  
Jupiter, FL 33458

DATED this 7<sup>th</sup> day of March, 2008.

  
\_\_\_\_\_  
Angie Thomas Court Clerk

Utah Department of Insurance  
State Office Building, Room 3110  
Salt Lake City, UT 84114-6901