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

**COMPLAINANT:**

UTAH INSURANCE DEPARTMENT

**RESPONDENT:**

NATIONAL HOME PROTECTION, INC.  
Attn.: Leo Serrur  
42 West 38<sup>th</sup> Street, #800  
New York, NY 10018  
Unlicensed

**CEASE AND DESIST  
ORDER**

**Docket No.** 2009-071 PC

**Enf. Case No.** 2433

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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. Respondent, National Home Protection, Inc. (“NHP”), is a corporation organized under the laws of the New York on November 28, 2005, and doing business from the State of New York whose address or record is: 42 West 38<sup>th</sup> Street, New York, NY 10018.
2. Respondent NHP is not authorized to do an insurance business or registered to offer or issue service contracts or warranties in the State of Utah.
3. Respondent NHP markets home warranties in the State of Utah through a web site and other means to individuals located throughout the United States of America, including to residents of the State of Utah.
4. On or about October 26, 2007, Respondent NHP issued a home warranty to a Utah resident, covering that resident’s home located in the State of Utah.
5. As of the date of this Order, Respondent is still marketing its home warranties through its web site to residents of the State of Utah.

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

**CONCLUSIONS OF LAW**

1. Respondent’s warranties or service contracts constitute insurance and the business of insurance under Utah Code Annotated § 31A-1-301(83) & (85), and marketing, selling or issuing such contracts in the State of Utah constitute the unauthorized business of insurance.

2. In marketing, selling and issuing home warranties to residents of the State of Utah when not registered with the Utah Insurance Department, Respondent is violating Utah Code Annotated § 31A-6a-103.

3. Respondents' actions in marketing, selling and issuing of unauthorized home warranties to residents of the State of Utah constitute an immediate and significant danger to the public welfare and such threat requires immediate action by the Insurance Commissioner, 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 § 63G-4-502.

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

**ORDER**

1. Respondent and all its employees, officers, directors, agents, or by or through any person acting on their behalf, shall immediately Cease and Desist doing any insurance, warranty, or service contract business in the State of Utah, including: soliciting, marketing, or proposing to make any warranty or service contract; taking receiving or forwarding any application for any warranty or service contract; collecting or receiving, in full or in part, any premiums or fees; issuing or delivering any warranty or service contract or other evidence of a warranty or service contract; publishing or disseminating any advertisement or information for warranties or service contract; representing or assisting any person to do an unauthorized insurance, warranty, or service

contract business; or to procure insurance, warranties, or service contracts from any person not authorized to do such business in the State of Utah.

2. Respondent shall promptly pay any claims for benefits or reimbursement made by residents of the State of Utah that may reasonably be payable under the terms of the warranties or service contracts sold by Respondents to residents or the State of Utah, or on property located in the State of Utah pursuant to Utah Code Annotated § 31A-15-105.

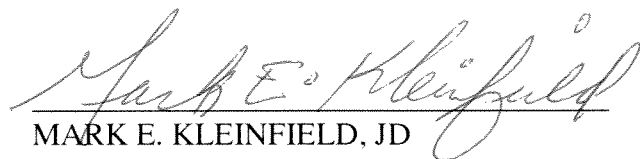
**NOTIFICATION**

Respondent is hereby notified that failure to abide by the terms of this Order may subject it 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 who knowingly provides or assists in placing unauthorized insurance in the State of Utah is guilty of a felony.

DATED this 10<sup>th</sup> day of June, 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

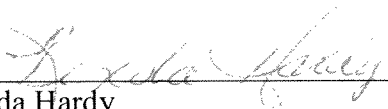
I do hereby certify that on this date I mailed, by certified and regular mail, postage prepaid a true and correct copy of the attached:

CEASE AND DESIST ORDER

To the following:

National Home Protection, Inc.  
Attn: Leo Serrur  
42 West 38<sup>th</sup> Street, #800  
New York, NY 10018

DATED this 10<sup>th</sup> day of June, 2009.

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