

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:

MN HOME WARRANTY CORP.
dba CAPITAL HOME SHIELD
Unlicensed
2221 NE 164th Street, Suite 1135
North Miami, FL 33160

1841 Coney Island Ave.
Brooklyn, NY 11230-6512

MARC A. KADOCH
Unlicensed
1509 East 3rd Street
Brooklyn, NY 11230

NATHANIEL BEN-YACOB
Unlicensed
1509 East 3rd Street
Brooklyn, NY 11230

**CEASE AND DESIST
ORDER**

Docket No. 2011-195 PC

Enf. Case No. 2894

COMES NOW, Neal T. Gooch, Insurance Commissioner of the State of Utah, and in support
of the following states:

JURISDICTION

Neal T. Gooch 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 MN Home Warranty Corp. is a Florida corporation doing business as Capital Home Shield and CapitalHomeShield.Com, with a principal place of business located at 2221 NE 164th St., Suite 1135, North Miami Beach, Florida, 33160.

2. Respondents Marc Kadoch and Nathaniel Ben-yacob are the owners and managers of Respondent MN Home Warranty Corp.

3. Respondents have advertised nation-wide using a web site and other means, holding themselves out as a home warranty company. None of the Respondents are licensed to do a home warranty business in the State of Utah, or in any other jurisdiction.

4. Respondents sold a home warranty contract on at least one occasion to a Utah Resident on or about September 12, 2010.

5. In addition to marketing and selling unauthorized home warranties to residents of the State of Utah, Respondents have failed to meet their obligations by paying claims to residents of the State of Utah under the home warranty contracts sold.

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

CONCLUSIONS OF LAW

1. Home warranty contracts issued by Respondents constitute insurance under Utah Code Annotated § 31A-1-301(85) and mechanical breakdown insurance under Utah Code Annotated § 31A-6a-101(1).

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

3. In doing an insurance business and providing mechanical breakdown insurance without obtaining a certificate of authority from the Utah Insurance Department, Respondents are providing unauthorized insurance in violation of Utah Code Annotated §§ 31A-6a-103 and assisting in the placement of unauthorized insurance in violation of Utah Code Annotated § 31A-15-102.

4. In marketing insurance in the State of Utah, Respondents are acting as insurance producers under Utah Code Annotated § 31A-1-301(87), and in acting as insurance producers when not licensed to do so, Respondents violated Utah Code Annotated § 31A-23a-103.

5. 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 emergency administrative proceeding 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. Respondents and any persons or entities operating for, in behalf of, or in concert with Respondents shall immediately Cease and Desist doing any insurance business in the State of Utah, including soliciting by any means, making 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, certificate of insurance, 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 who 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 personally liable to any Utah insured under contracts issued by an unauthorized insurer for the full amount of a claim or loss payable under the contract.

Any person contesting this order may request a hearing, in writing, addressed to the insurance commissioner, within 15 days of the date of this Order.

DATED this 15th day of September, 2011.

NEAL T. GOOCH
INSURANCE COMMISSIONER

A handwritten signature in black ink, reading "Mark E. Kleinfeld", written over a horizontal line.

MARK E. KLEINFELD
Presiding Officer
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 & postage prepaid a true and correct copy of the attached:

CEASE & DESIST

MN Home Warranty Corp.
Db a Capitol Home Sheild
221 NE 164th Street, Suite 1135
North Miami, FL 33160

&

MN Home Warranty Corp.
Db a Capitol Home Sheild
1841 Coney Island Ave.
Brooklyn, NY 11230-6512

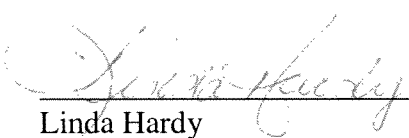
&

Marc A. Kadoch
1509 East 3rd Street
Brooklyn, NY 11230

&

Nathaniel Ben-Yacob
1509 East 3rd Street
Brooklyn, NY 11230

DATED this 15Th day of September, 2011



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