

M. GALE LEMMON #4363
Assistant Attorney General
MARK L. SHURTLEFF #4666
Attorney General
Attorneys for Utah Insurance Department
160 East 300 South, Fifth Floor
P.O. Box 140874
Salt Lake City, UT 84114-0874
Telephone: 801.366.0375

RECEIVED

JUL 16 2012

UTAH STATE
INSURANCE DEPT.

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

<p>COMPLAINANT:</p> <p>UTAH INSURANCE DEPARTMENT</p> <p>RESPONDENT:</p> <p>US HEALTHCARD LLC dba QUALIFIED HEALTH 827 Montgomery Street Brooklyn, NY 11213-5280 Utah Company Id. No. 169324</p>	<p>STIPULATION AND ORDER</p> <p>Docket No. 2012-110 HL</p> <p>Enf. Case No. 3177</p>
---	---

STIPULATION

1. Respondent, US Healthcard LLC dba Qualified Health ("Qualified Health") is a non-resident health discount program marketer, Utah Company Identification No. 169324.
2. Respondent stipulates with the Complainant, Utah Insurance Department, as follows:
 - a. If a hearing were held, witnesses called by the Complainant could offer and introduce evidence that would support the Findings of Fact herein;

RNC

- b. Respondent admits the Findings of Fact and Conclusions made therefrom;
- c. Respondent stipulates to the summary entry of the Order herein which shall be in lieu of other administrative proceedings by Complainant in this matter; and
- d. Respondent and Complainant have negotiated the terms of the Order entered herein and Respondent agrees to its entry and further agrees to be bound by all its terms.

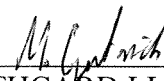
3. Respondent is aware of its right to a hearing at which it may be represented by counsel, present evidence and cross-examine witnesses. Respondent has irrevocably waived its right to such hearing and to any appeal related thereto.

4. Respondent admits the jurisdiction of the State of Utah Insurance Commissioner as to all matters herein.

5. Respondent is acting herein free from any duress or coercion of any kind or nature, having been advised fully as to its rights set forth herein.

6. Respondent acknowledges that the issuance of this Order by the Commissioner is solely for purpose of disposition of the matter entitled herein.

DATED this 13 day of July, 2012.



US HEALTHCARD LLC dba QUALIFIED
HEALTH
Meyer Gutnick, President



UTAH INSURANCE DEPARTMENT
M. Gale Lemmon, Assistant Attorney General

Based upon the foregoing Stipulation and information in the file, the Presiding Officer makes the following Findings of Fact:

FINDINGS OF FACT

1. On December 14, 2011, the Utah Insurance Department was notified that a complaint had been filed against Respondent with the Utah Department of Commerce, Division of Consumer Protection.
2. Upon review of Department records, it was determined that Respondent did not hold an active Health Discount Program Marketer License. Respondent had previously been licensed, but its license was inactivated for non-renewal due to Respondent's failure to pay the renewal fee due in December 2010.
3. On January 25, 2012, the Division of Consumer Protection again contacted the Department to inform it of the resolution of their investigation of Respondent.
4. On or around May 1, 2012, the Department contacted the Respondent and requested information regarding its activities in Utah and its failure to renew its license.
5. On May 14, 2012, Respondent provided an explanation as requested. Respondent stated that it had ceased accepting business from Utah; and that they desired to be appropriately licensed. An application for a Health Discount Program Marketer License with all the required attachments was included with Respondent's May 14, 2012 explanation.
6. The Department reviewed and approved Respondent's application for license, effective May 14, 2012.
7. On May 21, 2012, Respondent agreed to an administrative forfeiture in the amount of \$1,500.00 and probation for a period of twelve (12) months.

Based upon the foregoing Stipulation and Findings of Fact, the Presiding Officer enters the following Conclusions of Law:

CONCLUSIONS OF LAW

1. Utah Code Ann. § 31A-8a-201 states in part as follows:

(1) Except as provided in Subsection 31A-8a-103(3), prior to operating a health discount program, as person shall:

- (a) be authorized to transact business in this state; and
- (b) be licensed by the commissioner.

2. Respondent violated the above when it conducted business in Utah as a Health Discount Program Marketer without a valid license.

3. An administrative forfeiture in the amount of \$1,500.00 and probation for twelve months is appropriate in this matter.

Based upon the foregoing Stipulation, Findings of Fact, and Conclusions of Law, the Presiding Officer herewith enters the following Order:

ORDER

IT IS HEREBY ORDERED:


1. Respondent, US Healthcard LLC dba Qualified Health is assessed an administrative forfeiture in the amount of \$1,500.00. The forfeiture shall be paid to the Department within 30 days of the date of this Order.

2. Respondent's license is placed on probation for a period of twelve months commencing with the date of this Order. The terms of probation are that Respondent shall make timely payment of the forfeiture and shall have no further violations of Utah statutes, Department

rules, or any order of the Commissioner.

DATED this 17th day of July, 2012.

NEAL T. GOOCH
Insurance Commissioner


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

NOTIFICATION

You are hereby notified that a failure to obey and Order of the Commissioner may subject you to further penalties, including forfeiture of up to \$5,000.00 per violation and the suspension or revocation of your license and the filing of an action in district court, which may impose forfeitures of up to \$10,000.00 per day for continued violation.

You are further notified that other jurisdictions in which you may be licensed may require that you report this action to them.

CERTIFICATE OF MAILING

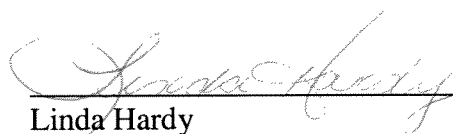
I do hereby certify that on this date I mailed, by regular mail postage prepaid, a true and correct copy of the attached:

STIPULATION
&
ORDER

To the following:

Qualified Health, LLC
Attn: Meyer Gutnick
827 Montgomery Street
Brooklyn, NY 11213-5280

DATED this 17th day of July, 2012



Linda Hardy
Market Conduct
Utah Department of Insurance
State Office Building, Room 3110
Salt Lake City, UT 84114-6901
801-538-3860

**UTAH
Invoice - Original**

Printed Date: July 17, 2012
Invoice Date: July 17, 2012
Balance Due: \$1,500.00
Due Date: August 16, 2012
Invoice ID: 591171
Payor ID: 169324

MEYER GUTNICK
QUALIFIED HEALTH
827 MONTGOMERY ST
BROOKLYN NY 11213-5280

Item Description	Amount
7/17/2012 Monetary Penalty Agency E-Case 3177 Docket 2012-110 HL	\$1,500.00
	<hr/>
	Original Amount Due
	\$1,500.00
	<hr/>
Payments Received	Balance Due

**UTAH
Invoice - Original**

Invoice Date: July 17, 2012
Balance Due: \$1,500.00
Due Date: August 16, 2012
Invoice ID: 591171
Payor ID: 169324
Payor Name: QUALIFIED HEALTH

Make checks payable to: Utah Insurance Department

Send payment to:

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