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

COMPLAINANT:

UTAH INSURANCE DEPARTMENT

RESPONDENTS:

SENSIBLE HOME WARRANTY, LLC
Unlicensed
c/o VCORP Services, LLC
1645 Village Center Circle, Suite 170
Las Vegas, NV 89134

1344 Disc Dr., Suite 221
Sparks, NV 89436-0684

HARRISON GINDI
Unlicensed
1724 East 12th Street
Brooklyn, NY 11229

92 Saint Marks Pl., Apt 21
Staten Island, NY 10301

**EMERGENCY PROCEEDING
CEASE AND DESIST ORDER**

Docket No. 2013-105 PC

Enf. Case No. 3353

ELLIOT DABAH :
Unlicensed :
1724 East 12th Street :
Brooklyn, NY 11229 :
:
1235 E 7th St. :
Brooklyn, NY 11230 :
:
:

Pursuant to Utah Code Annotated (U.C.A.) §§ 63G-4-502 and 31A-2-201 and Utah Administrative Code (U.A.C.) Rule R590-160, the Commissioner hereby institutes this Emergency Proceeding. Based upon the information contained in the files of the department and known to the Commissioner, the presiding officer enters the following:

FINDINGS OF FACT

1. Respondent Sensible Home Warranty, LLC (“Sensible”), is a limited liability company domiciled in the State of Nevada, and managed by its Managing Members, Respondent Harrison Gindi (“Gindi”) of New York, and Elliot Dabah (“Dabah”) of New York.
2. Respondent Sensible is licensed as a home warranty insurer in the states of Nevada, Arizona, Florida, and Oklahoma.
3. None of the Respondents are licensed to do an insurance business in the State of Utah.
4. Respondent Sensible, with the assistance of Respondents Gindi and Dabah, are advertising, soliciting, making or proposing to make unauthorized home warranty contracts in the State of Utah.
5. Respondents are also collecting or receiving insurance premiums for said unauthorized

contracts and issuing or delivering unauthorized insurance policies or other evidence of unauthorized insurance contracts in the State of Utah.

6. Respondents have failed to pay legitimate claims made on home warranty contracts sold in the State of Utah, or to pay them in a timely manner.

7. Respondents have failed to respond to inquiries of the commissioner in regard to their activities in the State of Utah.

Based upon the forgoing Findings of Fact, the presiding officer now enters the following:

CONCLUSIONS OF LAW

1. Respondents' continuing actions constitute an immediate and significant danger to the public welfare, requiring immediate action by the Insurance Commissioner, authorizing this emergency proceeding under Utah Code Ann. § 63G-4-502.

2. The home warranties advertised and sold in the State of Utah constitute insurance under Utah Code Ann. § 31A-1-301(86), and are Mechanical Breakdown Insurance under Utah Code Ann. § 31A-6a-101(1).

3. In advertising, soliciting, making or proposing to make unauthorized home warranty contracts in the State of Utah, Respondent Sensible is acting as an unauthorized insurer in violation Utah Code Ann. § 31A-4-102.

4. In collecting or receiving insurance premiums for said unauthorized contracts and issuing or delivering unauthorized insurance policies or other evidence of unauthorized insurance contracts in the State of Utah, Respondents Gindi and Dabah are assisting an unauthorized

insurer in violation of Utah Code Ann. § 31A-15-102.

5. In failing to respond to inquiries of the Commissioner, Respondents have violated Utah Code Ann. § 31A-2-202.

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

ORDER

IT IS HEREBY ORDERED:

1. Respondents shall immediately cease and desist doing any and all insurance or home warranty business in the State of Utah, including but not limited to soliciting the sale of any insurance, taking any applications for insurance, placing or delivering any insurance policies, creating or delivering any evidence of insurance, advertising or promoting the sale or placement of any insurance, collecting any insurance premium, or in any other way doing the business of insurance in the State of Utah, either directly or through agents, employees or any person acting on behalf of Respondents, until such time as Respondents shall become authorized to do such business in this State.

2. Respondents shall pay any and all claims arising under the home warranty contracts in the State of Utah in a timely manner, according to the terms of said contracts or, at the election of the contract holder, shall rescind the contract and refund 100% of the amount paid by the contract holder, pursuant to Utah Code Ann. § 31A-15-105.

3. Respondents shall, within 10 days of the date of this Order, produce for examination at

the offices of the Utah Insurance Department, all insurance contracts and other documents evidencing insurance with Respondent Sensible Home Warranty, LLC, and to disclose the number of home warranty contracts issued to residents of the State of Utah, and the gross amount of premium for those policies, and the name and address of any person who has assisted in effecting those contracts, pursuant to Utah Code Ann. § 31A-15-109.

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.

Respondents are also notified that pursuant to Utah Code Ann. § 31A-15-105(3), any person who has assisted in the procurement of an illegal contract is personally liable to the insured for the full amount of a claim or loss payable under the contract if the insurer does not pay it.


Respondents are further notified that pursuant to Utah Code Ann. § 31A-15-107, no pleading, notice, order, or process in any action in court or before the Commissioner may be filed by or on behalf of the unauthorized person unless said person deposits with the court or the commissioner cash, securities or a bond with sureties sufficient to secure payment or performance of any probable final judgment or order; the person procures proper authorization to do an insurance business in Utah; or the Commissioner, after a hearing, determines the person

has funds or securities readily available to satisfy any probable final judgment or to perform in accordance with any order.

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

DATED this 31st day of July, 2013.

TODD E. KISER
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