

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 3540-AG08-1113-277  
3277-AG08-1113-278  
5083-AG08-1113-280

IN THE MATTER OF:

NATIONAL ASSOCIATION OF PRIVATE ENTERPRISE )  
a/k/a NAPE )  
2300 Valley View Lane, #190 )  
Irving, TX 75062 )

SMART CHOICE, LLC )  
1868 N. University Dr., #301 )  
Plantation, FL 33322 )

INTERNATIONAL MED-CARE )  
a/k/a IMC )  
PO Box 26338 )  
El Paso, TX 79926 )

Type of Action: Enforcement )

FILED  
JUN 2 2008  
ST. INDIANA  
DEPT. OF INSURANCE

**ORDER GRANTING**  
**EMERGENCY CEASE AND DESIST ORDER**

The Commissioner of the Indiana Department of Insurance ("Commissioner"), having reviewed the Enforcement Division's Motion for Emergency Cease and Desist Order, and being otherwise duly advised, now finds as follows:

**FINDINGS OF FACT**

1. The Department of Insurance ("Department") is authorized to regulate the practice of insurers in Indiana under Indiana Code 27-1 et seq.

2. The Department may hold disciplinary hearings in accordance with Indiana Code 4-21.5-3 and 4.

3. Respondents are not now, nor have they ever been, authorized, licensed or registered by the Indiana Department of Insurance to transact any kind of insurance business whatsoever.

4. The Consumer Protection Unit of the Indiana Department of Insurance has received a complaint against the Respondents. The complaint indicates Respondents are soliciting and/or selling insurance or a discount health plan to Indiana residents.

### **CONCLUSIONS OF LAW**

5. An emergency exists in that Respondents continue to act as an insurer and/or a discount medical program organization in Indiana without being authorized to transact business in Indiana or registering with the Department.

6. An emergency exists in that Indiana citizens are in danger of purchasing said unregistered "health plans," which will likely lead to unpaid claims.

7. In an emergency, the Commissioner may issue appropriate orders without notice or an evidentiary proceeding under Indiana Code 4-21.5-4-2(a).

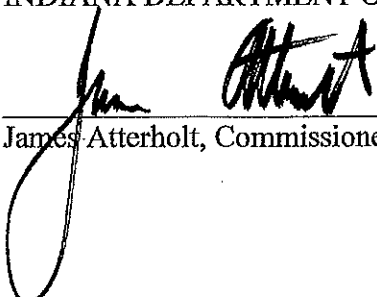
### **ORDER**

It is, therefore, ORDERED, that Respondents must CEASE AND DESIST from acting as insurers and/or a discount medical program organizations, from holding themselves out as such, or otherwise transacting insurance business in Indiana, or otherwise violating in any way the insurance laws of Indiana.

Pursuant to Indiana Code 4-21.5-4-2, this order remains effective for 90 days commencing on the date this order is issued.

Respondents are hereby notified of their right to a hearing concerning this order as quickly as practicable under Indiana Code 4-21.5-4-4.

INDIANA DEPARTMENT OF INSURANCE



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James Atterholt, Commissioner

Distribution to:

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NOV 21 2008

STATE OF INDIANA  
DEPT. OF INSURANCE

**MOTION FOR EMERGENCY CEASE AND DESIST ORDER**

The Enforcement Division of the Indiana Department of Insurance, pursuant to Indiana Code 4-21.5-4, Indiana Code 27-1-34-1 et seq. and Indiana Code 27-4-5 et seq., files its Motion for an Emergency Cease and Desist Order against National Association of Private Enterprise, Smart Choice, LLC and International Med-Care (known collectively hereafter as "Respondents") and states:

1. The Consumer Protection Unit of the Indiana Department of Insurance ("CPU") received several complaints against the Respondents from Indiana insurance consumers ("Complainants"). The Complainants all indicate they enrolled in the National Association of Private Enterprise, thereby qualifying them for participation in a group health insurance plan offered through International Med-Care and/or Smart Choice, LLC.

2. As part of the enrollment and application process, the Complainants agreed to have premiums automatically withdrawn from their personal checking accounts. The Complainants state that although payments were withdrawn from their accounts and after repeated written requests and requests to the customer service phone numbers, they did not receive proof of insurance and/or payment for claims submitted.

3. A review of the materials submitted by the Complainants and a search of several internet sites indicates Respondent National Association of Private Enterprise is a membership association that solicited and provided health insurance coverage and a discount health savings plan provided through International Med-Care and/or Smart Choice, LLC. Solicitation materials indicate the plans include, but are not limited to, pharmacy, dental, vision, and chiropractic service savings. (Exhibit A, attached hereto).

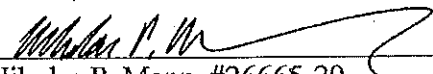
4. A search of the licensing and registration information database for the Indiana Department of Insurance reflects no registration or certificate of authority on file for any of the Respondents. The failure to be properly registered and authorized to transact business in Indiana is in violation of Indiana Code 27-17-2-1.

5. An emergency exists in that Respondents are offering a "discount health savings plan" to Indiana insurance consumers in violation of Indiana Code 27-17-4-1(B) and there is no registration or asserted exemption from Respondents.

6. Under Indiana Code 4-21.5-4-2(a)(1), the Commissioner may, in an emergency, issue orders without notice or an evidentiary proceeding. Upon issuance of an emergency order, the Respondent may request a hearing as quickly as practicable under Indiana Code 4-21.5-4-4.

7. The Respondents should be required to cease to transact any kind of insurance business or offer a discount health plan in Indiana until the Department can be sure that Respondents can practice in a legal, reasonable and responsible manner.

WHEREFORE, the Enforcement Division requests that the Commissioner issue an Emergency Cease and Desist Order against the Respondents under Indiana Code 4-21.5-4-2, and for all other necessary and proper relief.

  
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Nikolas P. Mann, #26665-29  
Enforcement Division

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