

**BEFORE THE COMMISSIONER OF INSURANCE
OF THE STATE OF KANSAS**

In the Matter of the Kansas Nonresident)
Viatical Settlement Provider's License of) Docket No. 3457-CO
MUTUAL BENEFITS CORPORATION)

CONSENT ORDER
(Pursuant to K.S.A. 2004 Supp. 40-5004 and K.S.A. 77-537)

Whereas the Kansas Insurance Department (“KID”) and Respondent nonresident viatical settlement provider, Mutual Benefits Corporation (“MBC”), wish to resolve this matter without formal adjudicative proceedings by entering into this consent order. Having been advised of its right to a hearing prior to the issuance of an order, MBC stipulates to the following facts, upon which the Commissioner of Insurance (“Commissioner”) bases her conclusions of law and issues the order, and MBC voluntarily waives hearing and review of the order.

Agreed Facts

1. Records maintained by the KID indicate that MBC is licensed as a nonresident viatical settlement provider to transact the business of viatical settlements in the State of Kansas, and has been so licensed since June 30, 1998. KID records further indicate a legal and mailing address of 200 East Broward Boulevard – 10th Floor, Fort Lauderdale, Florida 33301.

2. MBC and the State of Florida Office of Insurance Regulation (“OFFICE”) entered into a consent order, effective March 29, 2005, wherein MBC’s viatical provider license granted by the Florida Department of Insurance (now the Office of Insurance Regulation) on May 13, 1997, was revoked. KID received a copy of the Consent Order No. 77358-04-CO from Florida in April 2005.

3. That Civil Action Number 04-60573 was initiated by the Securities Exchange Commission of the United States in the United States District Court for the Southern District of

Florida. An Order Appointing Receiver dated May 4, 2004 was granted and the Receiver, Roberto Martinez, was given full and exclusive power, duty and authority to administer and manage the business affairs, funds, assets, choses in action and any other property of MBC and several entities alleged to be related to it and to take whatever actions were necessary for the protection of investors. A Preliminary Injunction against MBC was subsequently granted on February 14, 2005. Court documents indicate the Receiver's address as: Colson, Hicks & Eidson, P.A., 255 Aragon Avenue, Coral Gables, Florida 33134.

Applicable Law

4. K.S.A. 2004 Supp. 40-5003 provides for the licensing of viatical settlement providers or brokers. Subsection (h) of that statute provides in relevant part:

“Upon the filing of an application and the payment of the license fee, the commissioner shall make an investigation of each applicant and issue a license if the commissioner finds that the applicant: . . .(4) if a legal entity, provides a certificate of good standing from the state of its domicile;. . .” K.S.A. 2004 Supp. 40-5003

5. K.S.A. 2004 Supp. 40-5004(a) provides, in relevant part:

“The commissioner may refuse, suspend, revoke or refuse to renew the license of a viatical settlement provider or viatical settlement broker in the event that investigation by the commissioner discloses that . . . (2) the licensee or any officer, partner, member or key management personnel has been convicted of fraudulent or dishonest practices, is subject to a final administrative action in this state or another state or is otherwise shown to be untrustworthy or incompetent;. . .(7) the licensee no longer meets the requirements for initial licensure;. . .” K.S.A. 2004 Supp. 40-5004(a).

Conclusions of Law

6. The Commissioner has jurisdiction over Respondent as well as the subject matter of this proceeding, and such proceeding is held in the public interest.
7. By entering into this agreed order, Respondent stipulates to the foregoing findings of fact and waives his statutory right to an evidentiary hearing to determine facts,

consents to the Commissioner's conclusions of law and order, and waives any statutory right to judicial review.

8. Based on the agreed facts contained in paragraphs 1 through 3 above and in the supporting documents, the Commissioner finds that Respondent no longer meets the requirements for initial licensure pursuant to K.S.A. 2004 Supp. 40-5003(h)(4) inasmuch as Respondent can no longer provide a certificate of good standing from its domicile state, Florida.
9. Based on the agreed facts contained in paragraphs 1 through 3 above and in the supporting documents, the Commissioner finds that Respondent is subject to a final administrative action in Florida, i.e., a Consent Order in Florida Office of Insurance Regulation No. 77358-04-CO, pursuant to K.S.A. 2004 Supp. 40-5004(a)(2).
10. Accordingly, the Commissioner finds that sufficient grounds exist for the revocation of the nonresident viatical settlement provider, Mutual Benefits Corporation (MBC).

THEREFORE, by agreement between the Kansas Insurance Department and MBC, by and through the Receiver, MBC's license is hereby **REVOKED**.

IT IS SO ORDERED THIS 8th DAY OF JUNE 2005, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.



/s/ Sandy Praeger
Sandy Praeger
Commissioner of Insurance
BY:

/s/ John W. Campbell
John W. Campbell
General Counsel

/s/ Curt Miner _____
Curt Miner
Counsel to Receiver for
Mutual Benefits Corporation

Certificate of Service

The undersigned hereby certifies that she served a true and correct copy of the above and foregoing Consent Order on this 8th day of June, 2005, by causing the same to be deposited in the United States Mail, first class postage prepaid, addressed to the following:

Peter Lombardi
Mutual Benefits Corporation
200 East Broward Blvd., 10th Floor
Fort Lauderdale, FL 33301

Curt Miner, Counsel for Receiver
Roberto Martinez, Receiver
Colson, Hicks & Eidson, P.A.
255 Aragon Avenue
Coral Gables, FL 33134

/s/ Shelley J. Diehl _____
Shelley J. Diehl
Staff Attorney