



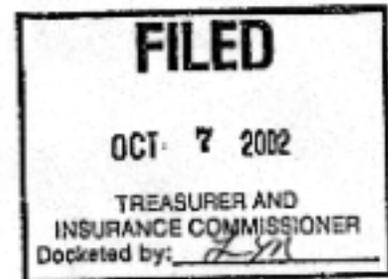
THE TREASURER OF THE STATE OF FLORIDA
DEPARTMENT OF INSURANCE

Tom Gallagher

IN THE MATTER OF:

CASE NO.: 02-61858-CO

-SERVICE & BUSINESS WORKERS OF AMERICA
LOCAL 125
-SBWA LOCAL 125 BENEFIT FUND
-HAROLD BRIGLIO
-BRAD BARBER
-TIM TRAYNOR
-CHARLES SCHLEIDER
-ANTHONY FASULLO
-VICARE ADMINISTRATIVE SERVICES, LLC.
-BRITANIA INTERNATIONAL LIFE AND CASUALTY, LTD.
-UNITED INTERNATIONAL INSURANCE
-INTERSTATE ADMINISTRATIVE SERVICES, INC.
-FC MANAGEMENT
-DATAPRO, LLC.
-ILLINOIS ASSOCIATION OF COMMERCE & INDUSTRY



IMMEDIATE FINAL ORDER

TO: SERVICE & BUSINESS WORKERS OF AMERICA
LOCAL 125
12575 US Highway One, Suite 301
Juno Beach, Florida 33408

SBWA LOCAL 125 BENEFIT FUND
12575 US Highway One, Suite 301
Juno Beach, Florida 33408

HAROLD BRIGLIO
SERVICE & BUSINESS WORKERS OF AMERICA
LOCAL 125
12575 US Highway One, Suite 301
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12575 US Highway One, Suite 301
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ANTHONY FASULLO
SERVICE & BUSINESS WORKERS OF AMERICA
LOCAL 125
12575 US Highway One, Suite 301
Juno Beach, Florida 33408

VICARE ADMINISTRATIVE SERVICES, LLC.
1000 Commercial Lane
Suffolk, Virginia 23434
Attention: TOM PERRY, Senior Vice-President

BRITANNIA INTERNATIONAL LIFE & CASUALTY LIMITED
5A King Street
Belize Offshore Center
Fort Flow
Belize City, Belize
Attention: LYNDAL RAY STOCKS

BRITANNIA INTERNATIONAL LIFE & CASUALTY LIMITED
55 King Street
Belize Offshore Center
Fort Flow
Belize City, Belize
Attention: LYNDAL RAY STOCKS

BRITANNIA INTERNATIONAL LIFE & CASUALTY LIMITED
35 Barrack Road
Belize Offshore Center
Fort Flow
Belize City, Belize
Attention: LYNDAL RAY STOCKS

BRITANIA INTERNATIONAL LIFE & CASUALTY LIMITED
P.O. Box 1074
Belize Offshore Center
Fort Flow
Belize City, Belize
Attention: LYNDAL RAY STOCKS

BRITANIA INTERNATIONAL LIFE & CASUALTY LIMITED
16151 Cairnway Drive, #209
Houston, Texas 77084
Attention: LYNDAL RAY STOCKS

BRITANIA INTERNATIONAL LIFE & CASUALTY LIMITED
15514 Creekhaven Drive
Houston, Texas 77084
Attention: LYNDAL RAY STOCKS

UNITED INTERNATIONAL INSURANCE
P.O. Box 281
22 Cayon Street
West Basseterre, St. Kitts
Attention: JERRY MELVIN BREWER, Managing Underwriter

UNITED INTERNATIONAL INSURANCE
By Serving: JOHN E.S. KRAMER
12000 West Heimer, Suite 206
Houston, Texas 77077

INTERSTATE ADMINISTRATIVE SERVICES
118 Vermillion Street
P.O. Box 1670
Danville, Illinois 61832
Attention: ROBERT J. JENNINGS, President

FC MANAGEMENT
8502 East Chapman Avenue, Suite 318
Orange, California 92869
Attention: DON TOUCHET and THOMAS BROWN

DATAPRO, LLC
830 Union Street, Suite 301
New Orleans, Louisiana 70130
Attention: MATTHEW KITTOCK, President

ILLINOIS ASSOCIATION OF COMMERCE & INDUSTRY
314 Eggleston Avenue
Elmhurst, Illinois 60126
Attention: JAMES SAMMONS, President

YOU ARE HEREBY NOTIFIED that pursuant to the Florida Insurance Code including, Sections 624.307, 624.317, 624.318, 626.201, and 120.569, *Florida Statutes*, the Treasurer and Insurance Commissioner of the State of Florida has caused an investigation to be made of the insurance-related activities of SERVICE & BUSINESS WORKERS OF AMERICA LOCAL 125 (hereafter, "LOCAL 125"), the LOCAL 125 HEALTH FUND (hereafter, the "FUND"), and the other entities and individuals named herein, and who are hereinafter sometimes referred to collectively as the "Defendants". As a result of that investigation, the Treasurer and Insurance Commissioner finds:

1. Neither LOCAL 125 nor the FUND is currently licensed or authorized, nor have either of them ever been licensed or authorized to transact insurance, or to operate as a Multiple Employer Welfare Arrangement (hereafter, MEWA) in this State. All insurers and MEWAs are required by Florida law to hold a Florida Certificate of Authority in order to conduct business in or from this State in accordance with Section 624.437(2), *Florida Statutes*.

2. Despite the absence of any certificate of authority to transact insurance or to operate a MEWA in or from this State, LOCAL 125 and/or the FUND have themselves, and through and with the other named Defendants, in the past and currently engage in the unlicensed, unauthorized, and therefore illegal business of insurance and/or as an illegal MEWA (*as contemplated and defined by the Employee Retirement Income Security Act of 1974, as amended, 29 U.S.C. ss.1001, et seq.*) [hereafter "ERISA"] in and from Florida in violation of the Florida Insurance Code including, Sections 624.401(2) and 624.437(2), and 626.901, *Florida Statutes*, respectively. Specifically, the Defendants have solicited insurance coverage, received premium payments, and issued contracts purporting to provide insurance coverage to residents of this state as well as residents of other states.

3. Neither HAROLD BRIGLIO, BRAD BARBER, TIM TRAYNOR, CHARLES SCHLEIDER, nor ANTHONY FASULLO are licensed to transact insurance in Florida in any capacity, but, jointly or severally, control or direct the insurance activities of LOCAL 125 and the FUND in their capacities as "Trustees".

4. Section 624.02, Florida Statutes defines "Insurance" as: *"Insurance" is a contract whereby one undertakes to indemnify another or pay or allow a specified amount or a determinable benefit upon determinable contingencies.*

5. Section 624.03, Florida Statutes defines "Insurer" as: *"Insurer" includes every person engaged as indemnitor, surety, or contractor in the business of entering into contracts of insurance or annuity.*

6. Section 624.09, Florida Statutes defines "Authorized", "Unauthorized insurer" as: *(1) An "authorized" insurer is one duly authorized by a subsisting certificate of authority issued by the department to transact insurance in this state. (2) An "unauthorized" insurer is one not so authorized.*

7. Section 624.10, Florida Statutes defines "Transacting insurance" as: *"Transact" with respect to insurance includes any of the following, in addition to other applicable provisions of the code: (1) solicitation or inducement. (2) Preliminary negotiations. (3) Effectuation of a contract of insurance. (4) Transaction of matters subsequent to the effectuation of a contract of insurance and arising out of it.*

8. Section 624.401(2), Florida Statutes provides: *No insurer shall from offices or by personnel or facilities located in this state solicit insurance applications or otherwise transact insurance in another state or country unless it holds a subsisting certificate of authority issued to it by the department authorizing it to transact the same kind or kinds of insurance in this state.*

9. Section 624.437(1), Florida Statutes defines "Multiple Employer Welfare Arrangement" as: *[a]n employee welfare benefit plan or any other arrangement which is established or maintained for the purpose of offering or providing health insurance benefits or any other benefits, described in s. 624.33, other than life insurance benefits, to the employees of two or more employers, or to their beneficiaries.*

10. Section 624.437 (2), Florida Statutes provides: *No person shall operate, maintain, or after October 1, 1983, establish a multiple-employer welfare arrangement unless such arrangement has a valid certificate of authority issued by the department.*

11. Section 626.88(1), Florida Statutes defines "Administrator" as: *[a]ny person who directly or indirectly solicits or effects coverage of, collects charges or premiums from, or adjusts or settles claims on residents of this state in connection with authorized commercial self-insurance funds or with insured or self-insured programs which provide life or health insurance coverage of any other expenses described in s.624.33(1), other than any of the following persons... (none of which exceptions are applicable).*

12. Section 626.8805(1), Florida Statutes provides, in pertinent part: *It is unlawful for any person to act as or to hold himself or herself out to be an administrator in this state without a valid certificate of authority issued by the Department pursuant to ss. 626.88-626.894.*

13. Section 626.901, Florida Statutes provides: *(1) No person shall, from offices or be personnel or facilities located within this state, or in any other state or country, directly or indirectly act as agent for, or otherwise represent or aid on behalf of another, any insurer not then authorized to transact such insurance in this state in:*

(a) The solicitation, negotiation, procurement, or effectuation of insurance or annuity contracts, or renewals thereof;

(b) The dissemination of information as to coverage or rates;

(c) The forwarding of applications;

(d) The delivery of policies or contracts;

(e) The inspection of risks;

(f) The fixing of rates;

(g) The investigation or adjustment of claims or losses; or

(h) The collection or forwarding of premiums;

Or in any other manner represent or assist such an insurer in the transaction of insurance with respect to subjects of insurance resident, located, or to be performed in this state. If the property or risk is located in any other state, then, subject to section (4), insurance may only be written with or placed in an

insurer authorized to do such business in such state or in an insurer with which a licensed insurance broker of such state may lawfully place such insurance.

(2) If an unauthorized insurer fails to pay in full or in part any claim or loss within the provisions of any insurance contract which is entered into in violation of this section, any person who knew or reasonably should have known that such contract was entered into in violation of this section and who solicited, negotiated, took application for, or effectuated such insurance contract is liable to the insured for the full amount of the claim or loss not paid.

(3) No insurance contract entered into in violation of this section shall be deemed to have rendered invalid thereby.

(4) This section does not apply to:

(a) Matters authorized to be done by the department under the Unauthorized Insurers Process Law, ss. 626.904 -626.912.

(b) Surplus lines insurance when written pursuant to the Surplus Lines Law, ss. 626.913 - 626.937.

(c) Transactions as to which a certificate of authority is not required of an insurer, as stated in s.624.402.

(d) Independently procured coverage written pursuant to s.626.938.

14. None of the parties named herein are subject to any exception to the requirement of the Florida Insurance Code for a Certificate of Authority to engage in the business of insurance or to operate as a MEWA in Florida.

15. LOCAL 125 and the FUND presently engage in the unlicensed, unauthorized, and therefore illegal, insurance business in and from Florida as an unlicensed, unauthorized, and therefore, illegal insurer and/or MEWA under the guise of operating a "union based" ERISA plan .

16. LOCAL 125 operates in and from Florida under the ruse and canard of being a bona fide "union", and the FUND operates under the related fiction of being the health benefit plan connected with

and sponsored by a bona fide union. In that fashion, they both attempt to evade the licensure requirements of the Florida Insurance Code by purporting to be, and to sponsor, a benefit plan that is established or maintained "by [an] employee organization or organizations engaged in commerce or in any industry or activity affecting commerce" within the meaning of ERISA (specifically, 29 U.S.C. ss.1003(a)(2)).

17. LOCAL 125 and the FUND conduct their unauthorized insurance business both directly, and by, through, and in concert with a network of agents and brokers (whom they sometimes call "organizers") who promote, solicit, and sell membership and participation in LOCAL 125 and the FUND, including the ILLINOIS ASSOCIATION OF COMMERCE & INDUSTRY which is not licensed to transact any form of insurance business in Florida. The ILLINOIS ASSOCIATION OF COMMERCE & INDUSTRY also acts as an unlicensed insurance administrator for LOCAL 125 and the FUND by collecting and forwarding premium in violation of Section 626.88(1), Florida Statutes.

18. Further, LOCAL 125 and the FUND conduct their unlicensed insurance business by, through, and in concert with INTERSTATE ADMINISTRATIVE SERVICES, VICARE ADMINISTRATIVE SERVICES, LLC, and DATAPRO, LLC. INTERSTATE and VICARE perform claims administrative services, and DATAPRO, LLC collects premium for LOCAL 125 and the FUND, but none of them are licensed pursuant to the Florida Insurance Code as administrators, in violation of Section 626.88(1), Florida Statutes.

19. In conjunction with its operation, LOCAL 125 and/or the FUND has placed and continues to publish, directly and indirectly, including from its headquarters in Florida, disseminate, circulate, and otherwise place before the public statements regarding the business of insurance that are untrue, deceptive, or misleading. Among those misrepresentations are that the coverage and the rights of the parties to the contract are governed solely by the Employee Retirement Income Security Act (ERISA), and that it is not subject to regulation by the Department, all in violation of the Florida Insurance Code including, Sections 624.401(1), 624.437, and 626.9541, Florida Statutes. Specifically, although

purporting to be subject only to Federal regulation as an ERISA plan, LOCAL 125 and the health plan that it sells, fail to meet even the most rudimentary prerequisites of an ERISA plan established or maintained "by [an] employee organization" so as to be exempt from the regulatory jurisdiction and authority of the department.

20. Among the factors that disqualify LOCAL 125 from constituting a bona fide union include, (a) the lack of collectively bargained agreements between the "union" and the participants' employers; (b) the fact that not all participants are members of identifiable employer groups; and (c) the lack of any meaningful or significant "union" activity, such as representation concerning wages, grievances, or working conditions, as is provided by legitimate unions. In fact, the "union" serves merely as a façade and a conduit for LOCAL 125 to market and sell the health plan to numerous unrelated employers and/or individuals. For example, LOCAL 125 has enrolled into the health plan real estate agents who are independent contractors, and other independent business people. LOCAL 125 disguises and subverts that reality by categorizing such persons as members of one or more "associations" and deeming each such "association" to be the "employer" of those self-employed persons. Indeed, the Department's investigation disclosed that nearly 68% of LOCAL 125's membership is composed of persons who are not members pursuant to any employee/employer relationship, nor pursuant to a bona fide collective bargaining agreement.

21. Alternatively, through the fiction of enrolling persons into, or categorizing persons as members of an "association", LOCAL 125 has attempted to create the illusion that it exists and operates in accordance with Section 627.654(1)(a), Florida Statutes, which provides, in pertinent part:

A group of individuals may be insured under a policy issued to an association...which association has a constitution and bylaws and not less than 25 individual members and which has been organized and has been maintained in good faith for a period of 1 year for purposes other than that of obtaining insurance ...

However, there exists no health insurance policy issued by any authorized insurer that provides insurance for the participants.

22. LOCAL 125 claims that the FUND became "fully insured" on or about 11/1/01 through UNITED INTERNATIONAL INSURANCE and/or BRITANNIA INTERNATIONAL LIFE & CASUALTY, LTD. However, neither of the latter entities are, or have ever been, authorized to transact insurance business in Florida; further, those insurers are not subject to any exceptions to the licensure requirements of the Florida Insurance Code.

23. Despite the lack of any certificate of authority, or any exemption from the requirements of the Florida Insurance Code, UNITED INTERNATIONAL INSURANCE has conducted insurance business in Florida by and through its representative, FC MANAGEMENT and FC's owners, TOM BROWN and DON TOUCHET, by delivering an insurance policy in Florida that allegedly covers the health risks assumed by LOCAL 125 and/or the FUND. Similarly, despite the lack of a certificate of authority, or any exemption from the requirements of the Florida Insurance Code, BRITANNIA INTERNATIONAL LIFE & CASUALTY, LTD. by and through its owner or President, LYNDAL RAY STOCKS, has conducted insurance business in Florida by delivering an insurance policy in Florida that allegedly covers the health risks assumed by LOCAL 125 and/or the FUND.

24. In reality, in return for the "premium" paid for the health coverage, benefits are paid by LOCAL 125 and/or the FUND from then-current cash flow or assets. As such, LOCAL 125 and/or the FUND is/are bearing the risk of the medical and health-related claims of those persons covered by policies or benefit contracts that it issues, without being licensed as either an insurer or as a Multiple Employer Welfare Arrangement as required by Florida law, and without meeting the statutory financial requirements of Florida law.

25. As an unlicensed insurer or MEWA that has not satisfied the statutory requirements necessary to obtain a Certificate of Authority, LOCAL 125 and the FUND present a grave and immediate risk of financial harm to the residents of Florida. Without a determination by the Department that the

insurer or MEWA meets the statutory capital, surplus, operational, and other requirements, the particularized harm resulting from its operation in Florida include:

A. The potential inability to meet their financial obligations to Florida residents and entities to whom and to which it has issued policies of insurance or other coverage contracts, caused in whole or in part by insufficient capital, surplus and reserves, by charging inadequate or otherwise actuarially unsound rates or premiums, and by enterprise management that is unlicensed, untrained, and unskilled in insurance operations. In fact, the rates (premiums) charged by LOCAL 125 and/or the FUND are less than those rates charged by legitimate, licensed insurers and approved by the Department for comparable health insurance coverage, and reflect actuarial insufficiency in comparison to the benefits promised in the contracts.

B. The issuance of policies or contracts on forms that have not been approved by the Department of Insurance and which therefore do not contain the safeguards and disclosures for the benefit of the public that have been determined by the Legislature to be necessary and that are required by the Florida Insurance Code;

C. The adverse financial impact upon healthcare providers from illicit insurance activity and from the non-payment of claims, when health care goods and services have been furnished to Florida residents in reliance, in whole or in part, upon the perception or representation that legitimate health insurance or HMO coverage existed to pay for the goods and services;

D. In part, by offering rates that are substantially below those charged by licensed insurers; LOCAL 125 and/or the FUND induces potential enrollee/employers to abandon their legitimate insurance with lawful, licensed, and regulated insurers, and to purchase their unauthorized insurance product. By so doing, the enrollees/employers lose both the legal and financial safeguards that attend group health insurance with an entity that is licensed and regulated by the Department. Among those safeguards include, mandatory financial reporting to and oversight by the Department, including as to reserves, which have a direct relationship to the entity's ability to pay claims on an ongoing basis and

requirements that persons who sell such coverage and who handle claims made under it be licensed and otherwise under the jurisdiction of the Department to ensure minimal competence, honesty, and adherence to applicable requirements of the Florida Insurance Code.

E. The adverse impact on future insurability of Florida residents who participate in such illegal plans, under statutes mandating guaranteed-issue health coverage for those persons having requisite prior creditable coverage from or through a legitimate health insurer or HMO.

26. The unlicensed transaction of business as an insurer, as a MEWA, or otherwise by LOCAL 125, the FUND and the other parties named herein places Florida residents at grave and immediate risk for the further reason that none of them have complied with the Department's application procedure for entities that wish to conduct insurance business in the State. As a condition of licensure, agents, principals of insurers, MEWAs, and administrators must submit an application to the Department of Insurance, undergo a background check, and otherwise be determined to have the requisite knowledge, experience, honesty, and integrity to transact insurance. These statutes were enacted for the benefit and the protection of the insurance-buying public by requiring that only honest and competent individuals obtain an insurance license and serve as principals of insurance/MEWA entities. The unlicensed transaction of insurance by the parties named herein therefore deprives Florida consumers of the benefits of such statutory requirements of competence and honesty.

27. In State vs. Knott, 166 Fla. 835 (Fla., 1936), the Florida Supreme Court found "that the business of insurance so directly affects the public that it is generally considered to be affected with a public interest, and, being so, is subject to the regulation and control by the Legislature, which includes the power to license and regulate the agents through whom such business is conducted". Id. at 837. The Court further held that "it would be difficult to find a business that more vitally affects the public interest... Id. In Natelson vs. Department of Insurance, 454 So.2d 31 (Fla. 1st DCA, 1984), the court stated that the business of insurance is "greatly affected by the public trust". Id. at 31. Indeed, insurance

contracts are characterized by the law as *uberrimae fidei contracts*, and as such are agreements "of utmost good faith".

28. Based upon the foregoing allegations, the Department of Insurance asserts that the Defendants are engaging in the unauthorized and therefore illegal business of insurance in Florida in violation of the Florida Insurance Code including, Sections 624.410, 624.11, 626.112, 624.401(1), 624.437, 626.451, 626.88(1), 626.9521, 626.9541, 626.901, and 627.410, *Florida Statutes*.

WHEREFORE, pursuant to the Florida Insurance Code including, Sections 120.569(2)(n) and 624.437(2), *Florida Statutes*, the Treasurer and Insurance Commissioner finds that the continued transaction of insurance without licensure by the Defendants and in violation of the Florida Insurance Code, constitutes an immediate danger to the public welfare so as to require the issuance of this Immediate Final Order.

Accordingly, IT IS HEREBY ORDERED:

A). SERVICE & BUSINESS WORKERS OF AMERICA LOCAL 125, SWBA LOCAL 125 BENEFIT FUND, HAROLD BRIGLIO, BRAD BARBER, TIM TRAYNOR, CHARLES SCHLEIDER, ANTHONY FASULLO, VICARE ADMINISTRATIVE SERVICES, LLC, BRITANIA INTERNATIONAL LIFE & CASUALTY LIMITED, UNITED INTERNATIONAL INSURANCE, INTERSTATE ADMINISTRATIVE SERVICES, FC MANAGEMENT, DATAPRO, LTD. and ILLINOIS ASSOCIATION OF COMMERCE & INDUSTRY, whether acting in the State of Florida as an insurer, a Multiple Employer Welfare Arrangement, an insurance agent, an insurance agency, an insurance adjuster, a third-party administrator, a managing general agent, or otherwise engaging in the business of insurance, either directly or indirectly through named and unnamed persons, entities, agents, or otherwise, shall forthwith CEASE AND DESIST from the transaction of any new or renewal insurance business, including as a MEWA.

B). SERVICE & BUSINESS WORKERS OF AMERICA LOCAL 125 and SWBA LOCAL 125 BENEFIT FUND shall forthwith notify, in writing, each and every agent, broker, salesperson, and other

marketing outlet that is presently or that has in the past been used to solicit, sell, or deliver its products in Florida of the cessation of their Florida business because they are unlicensed, and due to this Immediate Final Order, and shall also inform such persons and entities that no further applications will be accepted or contracts issued. They shall further direct each and every agent, broker, salesperson, and other marketing outlet, in writing, to forthwith offer to replace the health coverage of each client, consumer, and person or entity afforded coverage under each policy or contract with substantially comparable coverage provided by a Florida licensed insurer or health maintenance organization.

They shall furnish for approval or edit a draft of such notification to the Department within seven (7) days of this Immediate Final Order. They shall thereafter, within three (3) days of receipt by mail or by fax of the Department's approval or edits, mail such letter (in revised form if edited by the Department) to all such agents, brokers, salespersons, and other marketing outlets, and shall immediately thereafter file the sworn attestations of HAROLD BRIGLIO, BRAD BARBER, TIM TRAYNOR, CHARLES SCHLEIDER, and ANTHONY FASULLO that there has been full compliance with this provision.

C). SERVICE & BUSINESS WORKERS OF AMERICA LOCAL 125 and SWBA LOCAL 125 BENEFIT FUND shall forthwith notify in writing each Florida subscriber, member, and beneficiary of, and each applicant for, any health insurance or benefit product of the cessation of their operation in Florida because they are unlicensed, and due to this Immediate Final Order, and that each such subscriber, member, beneficiary, and applicant should immediately obtain health coverage from a licensed insurer or Health Maintenance Organization.

They shall furnish for approval or edit a draft of such notification to the Department within seven (7) days of this Immediate Final Order. They shall, thereafter, within three (3) days of receipt by mail or by fax of the Department's approval or edits, mail such notice (in revised form if edited by the Department) to each such subscriber, member, beneficiary, and applicant, and shall immediately thereafter file the sworn attestations of HAROLD BRIGLIO, BRAD BARBER, TIM TRAYNOR,

CHARLES SCHLEIDER, and ANTHONY FASULLO that there has been full compliance with this provision.

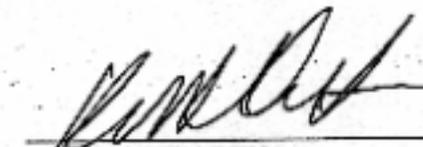
D). Subject to the other mandates of this Immediate Final Order, SERVICE & BUSINESS WORKERS OF AMERICA LOCAL 125 and SWBA LOCAL 125 BENEFIT FUND shall continue to be responsible for the payment of claims, and otherwise for the timely fulfillment of its contractual obligations to each subscriber, member, beneficiary, and provider until all Florida claims have been paid or until further action or order of the Department. They shall use their assets, including reserves, solely for the payment of claims. For the protection of the public, and to preserve books, records and assets of SERVICE & BUSINESS WORKERS OF AMERICA LOCAL 125 and SWBA LOCAL 125 BENEFIT FUND, neither the Defendants nor their officers, directors, managers, members, trustees, subscribers, agents, employees, or affiliates shall take or permit any action that might waste, conceal or otherwise dispose of the assets, property, books, records, and accounts of SERVICE & BUSINESS WORKERS OF AMERICA LOCAL 125 and SWBA LOCAL 125 BENEFIT FUND.

E). The entry of this Immediate Final Order, or any amendment thereto, shall not be interpreted as having, nor shall it have, the effect of abrogating any statutory, common law, or contractual rights of any subscriber, member, beneficiary, or person afforded coverage under any insurance, MEWA, or benefit policy or contract, or of any person that furnished health care goods or services pursuant to or in reliance upon the existence of such a contract.

F). The issuance of this Immediate Final Order and the procedural safeguards set forth herein are concluded to be fair under the circumstances due to the potential grave harm resulting from unauthorized insurance entities engaging in the business of insurance in Florida. A Notice of Intent to Issue a Cease and Desist Order and Assess Penalty will be issued immediately following this Immediate Final Order. Procedures set forth therein afford SERVICE & BUSINESS WORKERS OF AMERICA LOCAL 125 and SWBA LOCAL 125 BENEFIT FUND and the other entities and persons named herein the opportunity to request a proceeding pursuant to Section 120.57, *Florida Statutes*.

DONE AND ORDERED this 7th day of October 2002.





KEVIN MCCARTY
Deputy Insurance Commissioner

NOTICE OF RIGHTS

You are hereby notified pursuant to Section 120.569(1), *Florida Statutes*, that you have the right to request a hearing. The request for hearing must be in writing and filed with the Department within five (5) days of the receipt of this Order, excluding weekends or holidays. If a written request is timely filed, the affected party(ies) will be given an opportunity for a hearing at a convenient time in Tallahassee, Florida. The hearing will be limited to a review of the finding that the facts recited present an immediate threat to the public health, safety, and welfare sufficient to justify the entry of this Immediate Final Order. Failure to file a request for a hearing within five (5) days constitutes a waiver, and no hearing will be held.

You are hereby further notified that you have a right to request an advisory opinion or information letter as to your status and as to the effect of certain acts and transactions under the Retirement Income Security Act (ERISA) pursuant to ERISA Proc. 76-1, from the Pension and Welfare Benefits Administration of the United States Department of Labor, 200 Constitution Avenue NW, Washington, D.C. 20210

Any party to these proceedings adversely affected by this Order is entitled to seek review of this Order pursuant to Section 120.68, *Florida Statutes*, and Rule 9.110, *Fla.R.App.P.* Review proceedings must be instituted by filing a petition or notice of appeal with the General Counsel, acting as the agency

clerk, at 612 Larson Building, Tallahassee, Florida 32399-0333, and a copy of the same with the appropriate district court of appeal, within thirty (30) days of rendition of this Order.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Immediate Final Order has been sent by Certified Mail this 7 day of October 2002 to, and shall forthwith be served upon:

SERVICE & BUSINESS WORKERS OF AMERICA
LOCAL 125
12575 US Highway One, Suite 301
Juno Beach, Florida 33408

SWBA LOCAL 125 BENEFIT FUND
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VICARE ADMINISTRATIVE SERVICES, LLC
1000 Commercial Lane
Suffolk, Virginia 23434
Attention: TOM PERRY, Senior Vice-President

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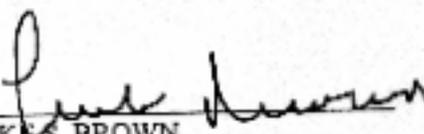
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