

MIKE KREIDLER
STATE INSURANCE COMMISSIONER

STATE OF WASHINGTON

Phone: (360) 725-7000
www.insurance.wa.gov



OFFICE OF
INSURANCE COMMISSIONER

In the Matter of

Doctor's and Surgeons Benefit Association;)	No. 10-0163
Doctors and Surgeons Benefit Association,)	
Segregated Insurance; Doctors and Surgeons)	ORDER TO CEASE
Benefit Association, Captive Insurance Co.;)	AND DESIST
Doctors Liability Captive Insurance Co.;)	
Captive Services; Midwest Tax Link, Inc;)	
)	
Unauthorized Entities, and)	
)	
Mark A. Jacobs; Myron M. Persoff; and Jay D. Ellenby))	
)	
Principals)	

Pursuant to RCW 48.05.030, RCW 48.15.020, RCW 48.15.023, and RCW 48.17.060, the Office of the Insurance Commissioner ("OIC") orders the entities and the individuals named above and their officers, directors, trustees, agents, employees, and affiliates ("Respondents") to immediately cease and desist from:

- A. engaging in or transacting the unauthorized business of insurance in the State of Washington, including the collection or attempted collection of premium monies and the advertising of unauthorized insurance and unauthorized insurance-related products;
- B. seeking, soliciting, pursuing, continuing, and/or obtaining any unauthorized insurance business in the State of Washington and from participating, directly or indirectly, in any act of an insurance agent or insurance company in seeking, soliciting, pursuing, continuing and/or obtaining any unauthorized insurance business in the State of Washington;
- C. soliciting Washington residents to sell or purchase any unauthorized plan or policy or coverage for any form of insurance;
- D. soliciting Washington residents by e-mail, facsimile (fax), telephone, mail, or any other means to induce them to purchase any unauthorized form of insurance product.



- E. offering to Washington residents a plan or policy or coverage for any form of insurance without submitting to examination by the Insurance Commissioner to determine the organization and solvency of the person or the entity offering such insurance, and to determine whether or not such person or entity complies with the applicable provisions of the Insurance Code as required by Title 48 RCW.

THIS ORDER IS BASED ON THE FOLLOWING:

1. Violation of RCW 48.05.030, Certificate of Authority required; RCW 48.15.020, Solicitation by unauthorized insurer prohibited; and RCW 48.17.060, License required;

a.) On or about November of 2004 and continuing to approximately October of 2007, Respondents solicited at least one Washington resident and did sell a plan or policy or coverage for medical professional liability insurance to at least one Washington resident. Respondents have not applied for or been granted, a Certificate of Authority or license to act as an insurance agent or an insurer for this product in Washington. Respondents have not submitted to OIC any appropriate certificate, license, or other document issued by another agency of this state, any subdivision thereof, or the federal government permitting or qualifying Respondents to provide such coverage in this state. Respondents have also not registered with the OIC as risk retention or risk purchasing agents, nor have they transacted this insurance through a licensed surplus lines broker in this state.

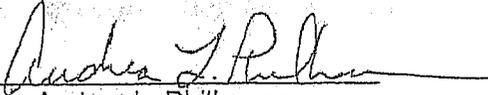
b.) At least one Washington resident received invoices from Respondents for this coverage in Washington from approximately November of 2004 through approximately October of 2007. The declaration pages of each year's policies identify the Washington resident, with his Washington business address, as the insured.

Any violation of the terms of this Order by Respondents, their officers, directors, agents, or affiliates, will render the violator(s) subject to the full penalties authorized by RCW 48.02.080, 48.17.530, and all other applicable Code sections.

Respondents have the right to demand a hearing pursuant to chapters 48.04 and 34.05 RCW. This Order shall remain in effect subject to the further order of the Commissioner.

THIS ORDER IS EFFECTIVE IMMEDIATELY AND IS ENTERED at Tumwater, Washington, this 1st day of September, 2010.

MIKE KREIDLER
Insurance Commissioner

By: 
Andrea L. Philhower
Staff Attorney
Legal Affairs Division
Office of Insurance Commissioner
State of Washington

CERTIFICATE OF MAILING

The undersigned certifies under the penalty of perjury under the laws of the State of Washington that I am now and at all times herein mentioned, a citizen of the United States, a resident of the State of Washington, over the age of eighteen years, not a party to or interested in the above-entitled action, and competent to be a witness herein. On the date given below I caused to be served the foregoing ORDER TO CEASE AND DESIST on the following individuals via US Mail:

Doctors and Surgeons Benefit Association,
Segregated Insurance
RG Solomon Arcade, Suite 11
Charlestown, Nevis, West Indies

Doctors and Surgeons Benefit Association,
Captive Insurance Company
RG Solomon Arcade, Suite 11
Charlestown, Nevis, West Indies

Doctors and Surgeons Benefit Association
C/O Fidelity Captive Management, Ltd.
The Law Building, Suite 100
The Valley
Anguilla

Doctors Liability Captive Insurance Company
Heritage Plaza, Main Street, Suite 206
Charlestown, Nevis, West Indies

Captive Services
605 East First Street, Suite 102
Rome, Georgia 30161

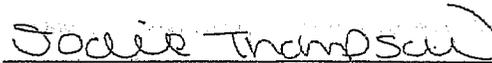
Midwest Tax Link, Inc.
231 Scott Street, Ste. 3
Covington, Kentucky 41011-1573

Mark A. Jacobs
10 Glenlake Parkway NE
Atlanta, Georgia 30328-3495

Myron M. Persoff, M.D.
Mercy Outpatient Center
3659 South Miami Avenue, Suite 4006
Miami, Florida 33133

Jay D. Ellenby, M.D.
2954 Adventura Boulevard
Miami, Florida 33180

SIGNED this 1st day of September, 2010, at Tumwater, Washington.


Jodie Thompson