

STATE OF OHIO
DEPARTMENT OF INSURANCE
2100 Stella Court
Columbus, Ohio 43215-1067

IN RE:

THOMAS G. KILCULLEN

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ORDER TO CEASE AND DESIST
AND NOTICE OF HEARING

WHEREAS, the Ohio Department of Insurance ("Department") is charged with the responsibility of protecting insurance consumers and regulating the insurance industry pursuant to Title 39 of the Ohio Revised Code ("R.C.") and the rules and regulations adopted thereunder.

WHEREAS, upon investigation, the Superintendent has been advised that Thomas G. Kilcullen ("Kilcullen") has engaged in the business of insurance holding himself out as authorized to engage in the business of health insurance. Kilcullen is not licensed under R.C. Chapter 39 and is not authorized to engage in the business of insurance in the State of Ohio. Kilcullen's conduct has caused substantial and material harm. The grounds are alleged below.

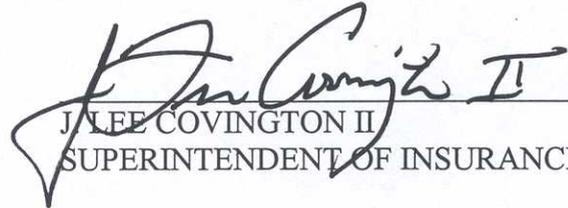
1. Kilcullen is employed by M&M Underwriting, Inc., located at 377 School Lane, Plymouth Meeting, Pennsylvania;
2. In April of 2000, Kilcullen quoted premiums and discussed coverage with Kitrina A. Matheny, Canfield, Ohio, for the purchase of health insurance benefits or coverage with OTR Truckers Association, aka Over The Road Truckers Health Care Fund ("Fund");
3. In November of 2000, Kilcullen contacted Ms. Matheny regarding the Fund's insurance coverage benefits;
4. Kilcullen was not licensed as an insurance agent in the State of Ohio;
5. The Fund that Kilcullen solicited and sold health insurance benefits or coverage was not licensed as a health insurance company, a multiple employer welfare association ("MEWA"), and/or an insurance company authorized to do business in the State of Ohio;
6. As a result, Ms. Matheny has lost premium payments and has unpaid medical bills.

Such conduct is prohibited by R.C. 3905.01 in that any person who procures an application or quotes premiums for, discusses coverages of, or solicits, negotiates, effects, procures, places, writes, delivers, renews, or binds, a policy of insurance through any medium for risks residing, located, or performed in the State of Ohio must be licensed by the Department. As such, Kilcullen has engaged in unlicensed activity and is in violation of R.C. 3905.49(B)(2).

PURSUANT TO R.C. 3905.49(G), KILCULLEN IS HEREBY ORDERED TO IMMEDIATELY CEASE AND DESIST FROM ENGAGING IN INSURANCE ACTIVITIES that require a license in the State of Ohio unless and until he complies with the statutes and rules listed above. A hearing to determine the continuation or revocation of this Order, along with any

other remedies available under R.C. 3901.221, shall be held at 10:00 a.m. on September 20, 2002 at the Ohio Department of Insurance, 2100 Stella Court, Columbus, Ohio 43215-1067.

September 6, 2002
Date



J LEE COVINGTON II
SUPERINTENDENT OF INSURANCE