

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 WILLIAM A. MUNDELL  
3 Chairman  
4 JIM IRVIN  
5 Commissioner  
6 MARC SPITZER  
7 Commissioner

8 In the matter of )  
9 ) DOCKET NO. S-03460A-01-0000  
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MICHAEL LYNN BILL  
d/b/a Arizona Viaticals Settlements and  
Annuities  
5810 West Mescal  
Glendale, AZ 85034

DECISION NO. 64650

BENEFICIAL ASSISTANCE  
a/k/a Beneficial Assurance, Ltd.  
t/a Imtek Funding Corporation  
8003 Corporate Drive, Ste. C  
Baltimore, MD 21236

**ORDER TO CEASE AND DESIST, ORDER  
OF RESTITUTION, ORDER FOR  
ADMINISTRATIVE PENALTIES AND  
CONSENT TO SAME  
BY: VIATICAL CENTER, INC.**

WILLIAM R. EVANS, CHARTERED  
8003 Corporate Drive, Ste. C  
Baltimore, MD 21236

RUTTENBERG & ASSOCIATES  
INSURANCE MARKETING, INC.  
d/b/a Viatical Center  
1603 Visa Drive, Ste. 3  
Normal, IL 61761,  
Respondents.

Respondent RUTTENBERG & ASSOCIATES INSURANCE MARKETING, INC.  
("RUTTENBERG"), having provided evidence that the acts described in this action were those of  
VIATICAL CENTER, INC., an affiliated entity, elects to permanently waive any right to a hearing  
and appeal under Articles 11 and 12 of the Securities Act of Arizona, A.R.S. § 44-1801 *et seq.*  
("Securities Act") with respect to this Order To Cease and Desist, Order of Restitution, Order for  
Administrative Penalties and Consent to Same ("Order".) The VIATICAL CENTER, INC. elects  
to permanently waive any right to separate service of a Notice of Opportunity for Hearing, or for a  
hearing and appeal under Articles 11 and 12 of the Securities Act with respect to this Order.

1 VIATICAL CENTER, INC. admits the jurisdiction of the Arizona Corporation Commission  
2 (“Commission”); neither admits nor denies the Findings of Fact and Conclusions of Law contained  
3 in this Order; and consents to the entry of this Order by the Commission.

4 **I.**

5 **FINDINGS OF FACT**

6 1. The Commission has jurisdiction over this matter pursuant to Article XV of the Arizona  
7 Constitution, and the Securities Act.

8 2. At all relevant times, RUTTENBERG and VIATICAL CENTER, INC. were under  
9 the common direction of Mark Ruttenberg, as President of RUTTENBERG and VIATICAL  
10 CENTER, INC. Mark Ruttenberg agrees that service of a Notice of Opportunity for Hearing on  
11 RUTTENBERG shall also constitute valid service upon VIATICAL CENTER, INC.

12 3. VIATICAL CENTER, INC., whose last known address is 1603 Visa Drive, Ste. 3,  
13 Normal, IL 61761, was at all relevant times in the business of marketing various viatical settlement  
14 contracts on behalf of BENEFICIAL ASSISTANCE (“BENEFICIAL”). The VIATICAL  
15 CENTER, INC. recruited agents on behalf of BENEFICIAL, including MICHAEL LYNN BILL  
16 (“BILL”) to make sales of viatical settlement contracts. VIATICAL CENTER, INC. was at all  
17 relevant times, an Illinois corporation. In July, 1998, VIATICAL CENTER, INC. sold substantially  
18 all of its assets, including all of its rights in its name, to BENEFICIAL.

19 4. From around June 1998 through July 1998, VIATICAL CENTER, INC. along with  
20 BENEFICIAL, EVANS, and BILL, offered and sold securities in the form of an investment  
21 contract, commonly known as a viatical settlement contract, to Arizona investors.

22 5. A viatical settlement contract involves the purchase of an interest in the proceeds from a  
23 life insurance policy of a terminally ill individual. Various viatical companies purchase the  
24 policies at a discount and re-sell the benefits to investors at less than the full face value. When the  
25 policy matures, that is when the insured dies, the investor receives the full face value as return of  
26 investment plus profit.





1 BENEFICIAL. Payment shall be made in full on the date of this Order by cashier's check or  
2 money order payable to the "State of Arizona" to be disbursed to the investor. Disbursement of  
3 funds shall be contingent on the investor relinquishing any claims or causes of action against the  
4 viatical settlement contract to VIATICAL CENTER, INC., RUTTENBERG and Mark Ruttenberg.

5 IT IS FURTHER ORDERED, pursuant to A.R.S. § 44-2036, that VIATICAL CENTER, INC.  
6 shall pay an administrative penalty in the amount of \$2,500. Payment shall be made in full by  
7 cashier's check or money order on the date of this Order, payable to the "State of Arizona."

8  
9 IT IS FURTHER ORDERED that this Order shall become effective immediately.

10 BY ORDER OF THE ARIZONA CORPORATION COMMISSION

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13 CHAIRMAN

COMMISSIONER

COMMISSIONER

14 IN WITNESS WHEREOF, I, BRIAN C. McNEIL,  
15 Executive Secretary of the Arizona Corporation  
16 Commission, have hereunto set my hand and caused the  
17 official seal of the Commission to be affixed at the  
18 Capitol, in the City of Phoenix, this \_\_\_\_\_ day of  
19 \_\_\_\_\_, 2002.

20 \_\_\_\_\_  
21 BRIAN C. McNEIL  
22 Executive Secretary

23 \_\_\_\_\_  
24 DISSENT

25 This document is available in alternative formats by contacting Shelly M. Hood, Exec. Asst. to  
26 Exec. Secretary, voice phone number 602-542-3931, E-mail [shood@cc.state.az.us](mailto:shood@cc.state.az.us).

(sf)

**CONSENT TO ENTRY OF ORDER**

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2 1. Respondent VIATICAL CENTER, INC., admits the jurisdiction of the Commission  
3 over the subject matter of this proceeding. VIATICAL CENTER, INC. acknowledges that it has  
4 been fully advised of its right to a hearing to present evidence and call witnesses and VIATICAL  
5 CENTER, INC. knowingly and voluntarily waives any and all rights to a hearing before the  
6 Commission and all other rights otherwise available under Article 11 of the Securities Act and  
7 Title 14 of the Arizona Administrative Code. VIATICAL CENTER, INC. acknowledges that this  
8 Order to Cease and Desist, Order of Restitution, Order for Administrative Penalties and Consent to  
9 Same (“Order”) constitutes a valid final order of the Commission.

10 2. VIATICAL CENTER, INC. knowingly and voluntarily waives any right under Article  
11 12 of the Securities Act to judicial review by any court by way of suit, appeal, or extraordinary  
12 relief resulting from the entry of this Order.

13 3. VIATICAL CENTER, INC. acknowledges and agrees that this Order is entered into  
14 freely and voluntarily and that no promise was made or coercion used to induce such entry.

15 4. VIATICAL CENTER, INC. acknowledges that it has been represented by counsel in  
16 this matter, it has reviewed this Order with its attorney and understands all terms it contains.

17 5. VIATICAL CENTER, INC. neither admits nor denies the Findings of Fact and  
18 Conclusions of Law contained in this Order.

19 6. By consenting to the entry of this Order, VIATICAL CENTER, INC. agrees not to take  
20 any action or to make, or permit to be made, any public statement denying, directly or indirectly,  
21 any Finding of Fact or Conclusion of Law in this Order or creating the impression that this Order  
22 is without factual basis. VIATICAL CENTER, INC. will undertake steps necessary to assure that  
23 all of its agents and employees understand and comply with this agreement.

24 7. While this Order settles this administrative matter between VIATICAL CENTER, INC.  
25 and the Commission, VIATICAL CENTER, INC. understands that this Order does not preclude  
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1 the Commission from instituting other administrative proceedings based on violations that are not  
2 addressed by this Order or facts not now known to the Division.

3 8. VIATICAL CENTER, INC. understands that this Order does not preclude the  
4 Commission from referring this matter to any governmental agency for administrative, civil, or  
5 criminal proceedings that may be related to the matters addressed by this Order.

6 9. VIATICAL CENTER, INC. understands that this Order does not preclude any other  
7 agency or officer of the state of Arizona or its subdivisions from instituting administrative, civil or  
8 criminal proceedings that may be related to matters addressed by this Order.

9 10. VIATICAL CENTER, INC. agrees that is will not apply to the state of Arizona for  
10 registration as a securities dealer or salesman or for licensure as an investment adviser or  
11 investment adviser representative, or for an exemption from registration, until such time as all  
12 restitution and penalties under this Order are paid in full.

13 11. VIATICAL CENTER, INC. understands that default shall render it liable to the  
14 Commission for its costs of collection and interest at the maximum legal rate.

15 12. VIATICAL CENTER, INC. agrees that it will continue to cooperate with the Securities  
16 Division including, but not limited to, providing complete and accurate testimony at any hearing in  
17 this matter and cooperating with the state of Arizona in any related investigation or any other  
18 matters arising from the activities described in this Order.

19 13. VIATICAL CENTER, INC. consents to the entry of this Order and agrees to be fully  
20 bound by its terms and conditions. If VIATICAL CENTER, INC. breaches any provision of this  
21 Order, the Commission may vacate this Order and restore this case to its active docket.

22 14. VIATICAL CENTER, INC. states that to the best of its knowledge, it sold viatical  
23 settlement contracts to only one Arizona investor. VIATICAL CENTER, INC. agrees that should  
24 the Division become aware of other Arizona investors who purchased viatical settlement contracts  
25 through VIATICAL CENTER, INC. prior to July, 1998, this matter may be re-opened and set for  
26 hearing.

