

**STATE OF MICHIGAN
DEPARTMENT OF INSURANCE AND FINANCIAL SERVICES**

Before the Director of the Department of Insurance and Financial Services

In the matter of:

DANIEL P. DOBBINS
System ID No. 0065359

ENFORCEMENT CASE NO. 12-11641

GLENN DOBBINS AGENCY
System ID No. 0010768

Respondents.

_____ /

Issued and entered
on February 6, 2014
By Teri L. Morante
Chief Deputy Director

ORDER ACCEPTING STIPULATION

Based upon the Stipulation to Entry of Order and the files and records of the Department of Insurance and Financial Services (DIFS) in this matter, the Chief Deputy Director finds and concludes that:

1. Pursuant to Executive Order 2013-1, all authority, powers, duties, functions, and responsibilities of the Commissioner of the Office of Financial and Insurance Regulation (Commissioner) have been transferred to the Director of the Department of Insurance and Financial Services (DIFS).
2. The Chief Deputy Director has jurisdiction and authority to adopt and issue this Order Accepting Stipulation in this proceeding pursuant to the Michigan Administrative Procedures Act of 1969 (APA), as amended, MCL 24.201 et seq., and the Michigan Insurance Code of 1956 (Code), MCL 500.100 et seq.
3. All required notices have been issued in this case, and the notices and service thereof were appropriate and lawful in all respects.
4. Acceptance of the Stipulation to Entry of Order is reasonable and in the public interest.
5. All applicable provisions of the APA have been met.
6. Respondent Daniel Dobbins (Dobbins) is a licensed resident insurance producer with qualifications in accident, life, health, property, casualty, and variable annuities. Daniel Dobbins is also a licensed attorney.

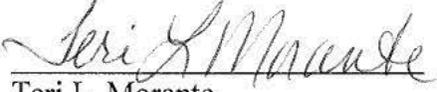
7. Respondent Glenn Dobbins Agency, Inc. (GDA) is a Michigan corporation with its principal place of business located at 23755 Goddard Rd., Taylor, MI 48140. GDA is a licensed resident agency with qualifications in property and casualty. According to 2013 corporate filings, Daniel Dobbins serves as its President and designated responsible licensed producer (DRLP).
8. Respondents sold 12-month liquor liability policies to Brownmark, LLC and Ball & Cue that were placed by Respondents with North Pointe Insurance Company (North Pointe). North Pointe advanced 12 months' worth of commission to Respondents per the terms of the agent agreement between Respondents and North Pointe.
9. The insureds canceled their policies prior to the 12 month expiration period. Per statute, North Pointe refunded the unearned premiums to the insureds. Per the terms of the agent agreement, North Pointe also initiated a charge back of commission by sweeping Respondents' bank account for the unearned commission advanced.
10. Respondents commenced civil lawsuits against Brownmark and Ball & Cue to recoup the commission North Pointe had charged back. The complaints in both cases alleged that Respondents were damaged due to the insureds' "early and illegal cancellation of the policies." Both complaints were signed by "Daniel P. Dobbins Attorney at Law."
11. Neither Brownmark nor Ball & Cue were under any obligation to maintain the North Pointe insurance policies. Brownmark and Ball & Cue had a statutory right, pursuant to MCL 500.3020, to cancel their policies and receive a refund of unearned premiums. Respondents had no right to demand the charged back commissions from Brownmark and Ball & Cue.
12. Respondents collected \$592.96 from Brownmark as damages for cancelling the insurance contract.
13. Respondents provided justification for sanctions, pursuant to Section 1239(1)(e) of the Code, MCL 500.1239(1)(e), by misrepresenting the terms of an insurance policy when they filed complaints alleging that the customers' cancellation of their insurance policies was illegal.
14. Respondents further provided justification for sanctions, pursuant to Section 1239(1)(h) of the Code, MCL 500.1239(1)(h), by engaging in dishonest and coercive conduct when they prosecuted civil lawsuits against their customers that wrongly claimed the customers' actions were illegal.

Now therefore, based upon the Stipulation to Entry of Order and the facts surrounding this case, **IT IS ORDERED THAT:**

15. Respondents shall immediately cease and desist from interfering with their customers' right to cancel their policies for any reason under MCL 500.3020.
16. Respondents shall pay to the State of Michigan, through DIFS, a civil fine in the amount of \$1,500.00.

17. Respondents shall pay restitution to Brownmark, LLC in the amount of \$592.96. Respondent shall remit payment by money order or other certified funds to _____, 6052 Wellington, Taylor, MI 48180 within 15 days of the date of this order being entered. Respondent shall provide proof of payment to DIFS, Attention: Elizabeth Bolden, Staff Attorney, via facsimile at (517) 373-1224.

18. The Chief Deputy Director retains jurisdiction over the matters contained herein and has the authority to issue such further order(s) as shall be deemed just, necessary, and appropriate in accordance with the Code. Failure to abide by the terms and provisions of the Stipulation to Entry of Order and this Order may result in the commencement of additional proceedings.


Teri L. Morante
Chief Deputy Director

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STIPULATION TO ENTRY OF ORDER

Daniel P. Dobbins and the Glenn Dobbins Agency (hereinafter Respondents) stipulate to the following:

1. On or about August 9, 2013, the Department of Insurance and Financial Services (DIFS) served Respondents with a Notice of Opportunity to Show Compliance (NOSC) alleging that Respondents violated provisions of the Insurance Code of 1956 (Code), MCL 500.100 *et seq.*
2. Specifically, the NOSC contained allegations that Respondents committed one or more of the enumerated acts listed in Sections 1239(1), MCL 500.1239(1).
3. Respondents exercised the right to an opportunity to show compliance pursuant to the Michigan Administrative Procedures Act (APA), MCL 24.201 *et seq.* Compliance was not shown.
4. Respondents and DIFS conferred for the purpose of resolving this matter.
5. At all pertinent times, Respondent Dobbins was licensed with DIFS as an insurance producer with qualifications in accident, life, health, property, casualty and variable annuities, and was authorized to transact the business of insurance in Michigan pursuant to the Code. System ID No. 0065359.
6. At all pertinent times, Respondent Glenn Dobbins Agency (GDA) was licensed with DIFS as a licensed resident agency with qualifications in property and casualty, and was authorized to transact the business of insurance in Michigan pursuant to the Code. System ID No. 0010768. Respondent Dobbins serves as GDA's designated responsible licensed producer.

7. All parties have complied with the procedural requirements of the APA and the Code.
8. Respondents admit to violating the Code by interfering with their customers' right to cancel their policies and agree that they will cease and desist from operating in a manner contrary to MCL 500.1239(1)(e) and (h). More specifically, Respondents will not interfere with their customers' right to cancel their insurance policies for any reason and their right to receive a refund of the unearned premium.
9. Respondents agree that they will pay to the State of Michigan, through DIFS, administrative and civil fines in the amount of \$1,500.00. Respondents further agree that the fine is due upon execution of this agreement.
10. Respondents agree that they will pay \$592.96 to Brownmark, LLC. Respondents agree to remit payment by money order or other certified funds to _____, 6052 Wellington, Taylor, MI 48180 within 15 days of the date of the order being entered. Respondents agree to provide proof of payment to DIFS, Attention: Elizabeth Bolden, Staff Attorney, via facsimile at (517) 373-1224.
11. Respondents understand and agree that this Stipulation to Entry of Order will be presented to the Chief Deputy Director for approval.
12. The Chief Deputy Director may, in her sole discretion, decide to accept or reject this Stipulation to Entry of Order. If the Chief Deputy Director accepts the Stipulation to Entry of Order, Respondents waive the right to a hearing in this matter and consents to the entry of the Order Accepting Stipulation and Requiring Compliance and Payment of Fines. If the Chief Deputy Director does not accept the Stipulation to Entry of Order, Respondents waive any objection to the Director holding a formal administrative hearing and making his decision after such hearing.
13. Respondents have had an opportunity to review this Stipulation to Entry of Order and the proposed Order Accepting Stipulation and have the same reviewed by legal counsel.
14. It is further stipulated that failure to comply with the Order of the Director accepting this settlement by failing to pay the administrative and civil fines as set forth above shall result in the commencement of an action to suspend all licenses held under the Code held by Respondents.
15. It is further stipulated that the amount of fines and/or fees has been negotiated in return for the avoidance of further proceedings and certain promises and conditions, one of which is the timely payment of said fines and/or fees. Should Respondents fail to pay the fines and/or fees in accordance with the terms of this Stipulation and the Director's Order,

the parties agree that an action will commence to determine if the Respondents have, in fact, failed to pay, and, if so, Respondents agree that the fines and/or fees will immediately increase to the maximum amount allowed under the Code and shall be immediately due in full,

Daniel P. Dobbins
Daniel P. Dobbins
System ID No. 0065359

01-31-2014
Date

GLENN DOBBINS AGENCY
Glenn Dobbins Agency
System ID No. 0010768

01-31-2014
Date

BY: Daniel P. Dobbins
Its: PRESIDENT

DIFS' Staff approve this stipulation and recommend that the Chief Deputy Director issue the above Consent Order.

Elizabeth Bolden
Elizabeth Bolden (P69865)
DIFS Staff Attorney

02/05/2014
Date