

STATE OF MICHIGAN
DEPARTMENT OF ENERGY, LABOR AND ECONOMIC GROWTH
OFFICE OF FINANCIAL AND INSURANCE REGULATION
Before the Commissioner of Financial and Insurance Regulation

**Office of Financial and Insurance Regulation,
Petitioner**

v

**Howard Farber,
Respondent**

Enforcement Case No. 09-7145

For the Petitioner:

**Elizabeth Bolden
Office of Financial and Insurance Regulation
P.O. Box 30220
Lansing, MI 48909-7720**

For the Respondent:

Howard Farber


**Issued and entered
this 12th day of March 2010
by Ken Ross
Commissioner**

FINAL DECISION

I. Background

Respondent Howard Farber holds a Michigan nonresident insurance producer license.

On August 6, 2009, Chief Deputy Commissioner Stephen R. Hilker issued an Administrative Complaint, Order for Hearing, and Notice of Hearing in this case. The Administrative Complaint set forth detailed allegations that Respondent, having been convicted of a felony in the State of Florida, is not qualified to be licensed as an insurance producer in Michigan. The Order for Hearing required Respondent to take one of the following actions within 21 days: agree to a resolution of the case, file an answer to the allegations stated in the Order with a statement that Respondent plans to attend the hearing, or request an adjournment. Respondent failed to take any of these actions.

On November 30, 2009, a staff attorney for the Office of Financial and Insurance Regulation filed a Motion for Final Decision requesting that Respondent's insurance producer license be revoked.

On December 14, 2009, Respondent filed a written response to the Motion for Final Decision. Respondent's letter was addressed to the staff attorney assigned to this compliance case. Respondent made two assertions regarding the allegations stated in the Administrative Complaint: 1) that he had registered with a local official when he moved to Florida but that he had not registered in the proper time and manner, a failure for which he is now sorry, and 2) that he was not convicted of a felony, but rather of a misdemeanor in the State of New York (sexual abuse in the second degree).

II. Findings of Fact and Conclusions of Law

1. Respondent failed to respond to the August 6, 2009 Administrative Complaint and Order for Hearing within the required 21 days. As provided in the Order for Hearing, the allegations stated in the Administrative Complaint are found to be correct and warrant an appropriate sanction.

2. On January 6, 2006, Respondent was convicted in the State of Florida of the felony of failing to register as a sex offender (Florida Statute 943.0435[9], Broward County Case No. 0506847).

3. Section 1239(1)(f) of the Michigan Insurance Code provides:

In addition to any other powers under this act, the commissioner may place on probation, suspend, or revoke an insurance producer's license or may levy a civil fine under section 1244 or any combination of actions, and the commissioner shall refuse to issue a license under section 1205 or 1206a, for any 1 or more of the following causes:

* * *

(f) Having been convicted of a felony.

4. Having been convicted of a felony, Respondent is not longer qualified to hold an insurance producer license in Michigan.
5. Respondent's explanation of the circumstances of his failure to register in Florida as a sex offender does not invalidate the existence of the Florida felony conviction which is supported by documents included in the Administrative Complaint. Respondent's own explanation acknowledges that he did not properly register as required by Florida law. Further, the Respondent's claim that his conviction was not a felony, but rather was a misdemeanor, is misleading. His misdemeanor conviction was in New York and is not the conviction upon which this compliance action is based.

III. Order

Based on the findings and conclusions above, and in accordance with section 1239(1)(f) of the Insurance Code, Respondent's insurance producer license is revoked.



Ken Ross
Commissioner