

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
OFFICE OF FINANCIAL AND INSURANCE REGULATION
Before the Commissioner of Financial and Insurance Regulation

Office of Financial and Insurance Regulation,
Petitioner

v

Enforcement Case No. 11-11247

Erica Lilly,
Respondent

For the Petitioner:

Daniel Feinberg
Office of Financial and Insurance Regulation
P.O. Box 30220
Lansing, MI 48909-7720

For the Respondent:

Erica Lilly


Issued and entered
this 18th day of July 2011
by R. Kevin Clinton
Commissioner

FINAL DECISION

I. BACKGROUND

On May 18, 2011, Acting Chief Deputy Commissioner Jean Boven issued an Administrative Complaint and Notice of Hearing in this case which was sent to Respondent at the address above. The administrative complaint alleged that Respondent failed to disclose the existence of a criminal conviction on her application for a nonresident insurance producer license. 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 May 25, 2011, OFIR staff filed a Motion for Final Decision. Respondent did not respond to the motion.

Given Respondent's failure to take one of the actions required by the order for hearing and her failure to answer the motion for final decision, Petitioner's motion is granted. The administrative complaint, being unchallenged, is accepted as true. The Commissioner makes the following findings of fact and conclusions of law.

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Respondent Erica Lilly applied for a nonresident Michigan insurance producer license in August 2008. On the application, Respondent answered "No" to the following question: "Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime?"

2. Respondent's answer was false because in May 2008 Respondent had been convicted in the state of New York of Harassment in the Second Degree, a misdemeanor.

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

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

(a) Providing incorrect, misleading, incomplete, or materially untrue information in the license application.

4. By making a false attestation on her application, Respondent demonstrated that she is not qualified, under the standards of section 1239(1)(a), to hold a Michigan insurance producer license.

III. ORDER

Based on the conduct described above and in accordance with section 1239(1)(a) of the Insurance Code, Respondent Erica Lilly's insurance producer license is revoked.



R. Kevin Clinton
Commissioner