



5. On or about April 7, 2010, Respondents collected \$217.50 as payment toward Great Lakes policy number . On April 23, 2010, Respondents issued check number payable to Great Lakes for \$217.50 for the policy.
6. On or about April 17, 2010, Respondents collected \$256.00 as payment toward Great Lakes policy number . On April 30, 2010, Respondents issued check number payable to Great Lakes for \$256.00 for the policy.
7. On or about April 30, 2010, Respondents collected \$231.00 as payment toward Great Lakes policy number . On April 30, 2010, Respondents issued check number payable to Great Lakes for \$231.00 for the policy.
8. On or about April 16, 2010, Respondents collected \$249.00 as payment toward Great Lakes policy number . On April 30, 2010, Respondents issued check number payable to Great Lakes for \$249.00 for the policy.
9. All of the above checks were returned with the reason "Not Sufficient Funds."
10. As licensed resident producers, Respondents knew or had reason to know that MCL 500.1207(1) provides, in part, "An agent shall be a fiduciary for all money received or held by the agent in his or her capacity as an agent. Failure by an agent in a timely manner to turn over the money which he or she holds in a fiduciary capacity to the persons to whom they are owed is prima facie evidence of violation of the agent's fiduciary responsibility."
11. As licensed resident producers, Respondents knew or had reason to know that MCL 500.1239(1) provides, in part:

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:

\* \* \*

(b) Violating any insurance laws or violating any regulation, subpoena, or order of the commissioner or of another state's insurance commissioner.

\* \* \*

(d) Improperly withholding, misappropriating, or converting any money or property received in the course of doing insurance business.

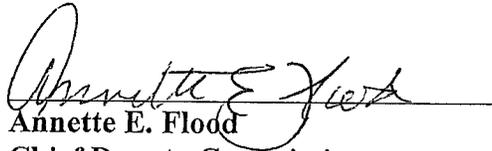
\* \* \*

- (h) Using fraudulent, coercive, or dishonest practices or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this state or elsewhere.
12. Based on the above facts, Respondents' conduct violated the insurance laws of this state; Respondents' improperly withheld, misappropriated, or converted money received in the course of doing insurance business; and Respondents' conduct demonstrates fraudulent, coercive, or dishonest practices and incompetence, untrustworthiness, and financial irresponsibility in the conduct of business in this state.
13. Finally, based upon the above actions, Respondents have committed acts that are grounds for the Commissioner ordering payment of a civil fine; the Commissioner ordering restitution be made to cover losses, damages, or other harm attributed to Respondents' violation of the Insurance Code; and/or the Commissioner ordering licensing sanctions under MCL 500.1244(1).

**ORDER**

Based on the findings of fact and conclusions of law above, and Respondents' stipulation to said facts, it is hereby **ORDERED** that:

1. Respondents shall immediately cease and desist from operating in a manner that violates Sections 1207 and 1239 of the Code, MCL 500.1207 and 500.1239.
2. Respondents shall pay a fine in the amount of \$2,500.00 for violating the Insurance Code.

  
Annette E. Flood  
Chief Deputy Commissioner

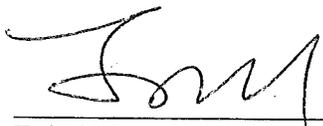
THE REMAINDER OF THIS PAGE LEFT INTENTIONALLY BLANK

### STIPULATION

1. Respondents have read and understand the consent order above.
2. Respondents agree that the Chief Deputy Commissioner has jurisdiction and authority to issue this consent order pursuant to the Insurance Code.
3. Respondents admit the findings of fact and conclusions of law set forth above and agree to the entry of this order.
4. Respondents admit that all parties have complied with the procedural requirements of the Michigan Administrative Procedures Act and the Insurance Code.
5. Respondents have had an opportunity to review the stipulation and consent order and have the same reviewed by legal counsel.
6. It is further stipulated, by and between the parties hereto, that failure to comply with the terms set forth in this stipulation within sixty (60) days of the date of this order shall result in a suspension or continued suspension of all licenses or registrations held by Respondents or in the denial of any license or registration renewal and the denial of future applications for licensure or registration until compliance is made with the terms of this stipulation. Unless otherwise specified in this stipulation, requirements imposed on the respondent must be fulfilled within sixty (60) days of the date of mailing of this order.
7. It is further stipulated, by and between the parties hereto, that failure to comply with the terms set forth in this stipulation within six (6) months of the date of mailing of this order shall result in a revocation or continued revocation of all licenses or registrations held by Respondents or in the denial of any license or registration renewal and the denial of future applications for licensure or registration until compliance is made with the terms of this stipulation.
8. Respondents agree to submit written proof of having complied with each requirement of this Order, in a form acceptable to the Office of Financial and Insurance Regulation, to the Office of Financial & Insurance Regulation, P.O. Box 30220, Lansing, MI 48909. Forms of acceptable proof of monetary restitution payment, if restitution is a part of the stipulation, include: A copy of the front and back of the cancelled check that was made payable to the person(s) ordered to receive restitution; or a receipt signed by the person(s) to whom restitution was payable, stating restitution was paid **and** the amount paid. For corrective, and other non-monetary forms of restitution, the respondent, prior to the expiration of the respective term or condition date(s) set within this stipulation, is required to submit written proof from the appropriate governmental official or the person ordered to benefit from restitution to prove that the respondent timely complied with the ordered corrective or remedial action.
9. It is further stipulated, by and between the parties hereto, that the Chief Deputy Commissioner, or designee, must approve this stipulation before it is submitted to final approval. If the Chief Deputy Commissioner, or that person's designee, rejects this

stipulation, OFIR will schedule a contested case hearing in this matter without prejudice to either party.

10. Respondents understand and intend that by signing this stipulation, Respondents are waiving the right, pursuant to the Code, the rules promulgated thereto, and the Administrative Procedures Act, 1969 PA 306, MCL 24.201 et seq., to a hearing before an administrative law judge, at which OFIR would be required to prove the charges set forth by presentation of evidence and legal authority and at which Respondents would be entitled to appear to cross-examine all witnesses presented and to present such testimony or other evidence or legal authority deemed appropriate as a defense to said charges.



Foiad Hussain Mohamed

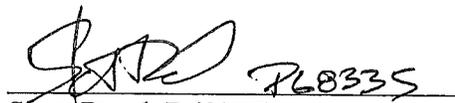


Najjar Insurance Agency, Inc.  
By: Foiad Hussain Mohamed  
Its:

Dated: 9-20-2011

Dated: 9-20-2011

The Office of Financial and Insurance Regulation staff approves this stipulation and recommends that the Chief Deputy Commissioner issue the above consent order.

  
Scott Basel (P68335)  
Attorney

Dated: 10-4-11