

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
OFFICE OF FINANCIAL AND INSURANCE REGULATION

Before the Commissioner of the Office of Financial and Insurance Regulation

In the Matter of:

Kenneth Siebert
System ID No. 0038769

Enforcement Case No. 11-11375

Respondent.

_____ /

Issued and entered
On 2-28 2012
By Annette E. Flood
Chief Deputy Commissioner

**ORDER OF SUMMARY SUSPENSION
AND
OPPORTUNITY FOR HEARING**

Pursuant to Section 1242 of the Michigan Insurance Code (Code), MCL 500.1242, and Section 92 of the Michigan Administrative Procedures Act (APA), MCL 24.292, this matter now comes before the Commissioner upon the Staff's Petition for Summary Suspension of the adjuster license of Respondent.

Based upon the attached **FINDINGS**, including that the public health, safety and welfare require emergency action, **IT IS THEREFORE ORDERED** that:

1. The adjuster license and authority of Respondent are **SUMMARILY SUSPENDED**.
2. A copy of this Order shall be immediately served upon Respondent. As to any such Respondent, this Order shall be effective upon the date of service.
3. If requested by Respondent, a hearing on this matter shall be held within a reasonable time, but not later than 20 days after service of this Order, unless Respondent requests a later date. The hearing shall address the following issues:
 - a) the Statement of Facts set forth in the Staff's Petition,
 - b) the continuation of the Order of Summary Suspension.
4. If a hearing is requested, an administrative law judge from the Michigan Administrative Hearing System shall preside over any such hearing.
5. The Commissioner retains jurisdiction of the matters contained herein and the authority to issue such further Order(s) as shall be deemed just, necessary and appropriate.

RIGHTS AND PROCEDURES

If a hearing is requested, it will be held under the legal authority and jurisdiction granted the Commissioner by the Code and in accordance with the provisions of the APA and the Insurance Hearing Rules, Administrative Code 1979, R 500.2101 et seq., and other procedural provisions of Michigan law that are appropriate.

COUNSEL: A party has the right to be represented by counsel. If a party is so represented, counsel is directed to file an appearance promptly with the administrative law judge. Appearances shall contain the counsel's full name, address, and telephone number. The address provided will be the official address for service of documents regarding this matter. When a party chooses to proceed without counsel, he or she will be held to the same standards as an attorney, including a reasonable knowledge of the rules of evidence as applied in nonjury circuit court civil cases, applicable provisions of the APA, and other relevant laws and procedures.

FAILURE TO APPEAR: If a party fails to appear at the hearing, and the hearing has not been adjourned, the party in attendance may be permitted to proceed with its case and the Commissioner may issue a decision without the participation of the absent party. Failure to appear may result in a final decision entered against the Respondent by default. If so, the allegations in the Complaint will be taken as true. Substantial penalties for the alleged misconduct, including fines and license revocation, may be ordered.

ADJOURNMENTS: No hearing shall be adjourned or continued, except upon an order of the Commissioner or the administrative law judge. All motions and requests for an adjournment or a continuance shall be in writing and shall concisely state the reasons why an adjournment or continuance is necessary. No motion or request for an adjournment or a continuance will be considered unless it is filed at least 5 days prior to the hearing date, except upon order of the Commissioner or the administrative law judge. This exception will be granted only upon a showing that for reasons not within the control of the party making the motion or request, the motion or request could not be filed within the time limit.

DISCOVERY: The parties may wish to meet with each other to exchange information and materials relevant to the hearing. The offices of OFIR are available for this purpose. All records of a party relating to the subject matter of this hearing, which are not exempt from discovery, shall be made immediately available to every other party for inspection and copying.

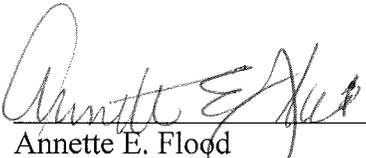
MOTIONS: A party may file a motion with the administrative law judge at any stage in the case. All prehearing motions shall be in writing, shall be sent to each party with proof of service, and shall include the specific action requested and reasons for the action. A party may file a response to the motion within 7 days after receiving the motion.

EXHIBITS AND WITNESSES: A party has the right to call witnesses and to introduce evidence. Each party may cross-examine the witnesses called by the opposite party. An opportunity for redirect and recross-examination will also be provided. A party may submit rebuttal evidence. Each party may question or contest the admissibility of any exhibit. When an objection is raised to the admission or an exhibit, the grounds for the objection must be stated.

DECISION AND APPEAL: Unless the Commissioner immediately proceeds to a final decision in accordance with Section 81 of the APA, MCL 24.281, the administrative law judge will issue a Proposal for Decision when the hearing and transcripts are completed. The parties will usually be given 30 days to file exceptions to the Proposal for Decision. However, in cases involving summary suspension or matters of significant social and economic impact, the time period for filing exceptions may be shortened to meet the circumstances of a particular case. After the 30 days have elapsed, the Commissioner will issue a Final Decision. A Final Decision issued by the Commissioner may be appealed as provided in the applicable provisions of Michigan law.

FINDINGS

1. Kenneth Siebert (Respondent), by and through Great Lakes Adjusting and Appraising, LLC entered into a contract agreeing to exclusively represent a contractor in securing a contract for a project for payment of \$7,500, thereby violating Section 1227(2) of the Code which prohibits an adjuster for the insured from collecting or attempting to collect a fee or charge from a repair contractor for obtaining repair work for the contractor.
2. By accepting payments from contractors in violation of Section 1227(2) of the Code, Respondent endangers the public welfare through commitment of fraud against insurers thereby increasing premium costs on consumers.
3. As evidenced by a Consent Order and Stipulation entered on April 5, 2007, on or about February 28, 2005, Respondent wrote a check for \$900 which was returned for non-sufficient funds. On or about November 30, 2010 respondent wrote a check for \$7,500 from a closed account as part of an illegitimate transaction.
4. By repeatedly writing bad checks in the course of his business practices, illegitimate or otherwise, Respondent has demonstrated a lack of good moral character as he is unable to serve the public in a fair, honest and open matter. Based on this failure to demonstrate good moral character, continued licensure of the Respondent presents a danger to the public welfare.
5. Respondent failed to respond to OFIR as part of an examination of a transaction as required under Section 249(a) of the Code.


Annette E. Flood
Chief Deputy Commissioner

