

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

William Porath,  
Respondent

Enforcement Case No. 11-11250

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For the Petitioner:

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

For the Respondent:

William Porath

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Issued and entered  
this 20<sup>th</sup> day of September 2011  
by R. Kevin Clinton  
Commissioner

**FINAL DECISION**

**I. BACKGROUND**

On July 6, 2011, Chief Deputy Commissioner Annette Flood issued an Administrative Complaint and Order for Hearing in this case. The administrative complaint alleged that Respondent was convicted of two misdemeanors in the state of Wisconsin in November 2010. It was also alleged that Respondent failed to disclose the convictions to the Commissioner as required under Michigan law.

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 August 17, 2011, the staff of the Office of Financial and Insurance Regulation filed a Motion for Final Decision. Respondent Porath did not respond to the motion. Given Respondent's failure to take one of the actions required by the order for hearing and his failure to answer the motion for final decision, the staff's motion is granted. The administrative complaint, being

unchallenged, is accepted as true. Based on the administrative complaint, the Commissioner makes the following findings of fact and conclusions of law.

## II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. At all times pertinent to this case, Respondent William Porath held a nonresident Michigan insurance producer license.
2. On March 3, 2010, Respondent Porath was found guilty in Wisconsin of two misdemeanors: 4<sup>th</sup> Degree Sexual Assault and Disorderly Conduct.
3. Section 1247(2) of the Michigan Insurance Code, MCL 500.1247(2), provides:

Within 30 days after the initial pretrial hearing date, an insurance producer shall report to the commissioner any criminal prosecution of the insurance producer taken in any jurisdiction. The report shall include a copy of the initial complaint filed, the order resulting from the hearing, and any other relevant legal documents.

4. Respondent Porath failed to report his convictions to the Commissioner.
5. Because he failed to report the convictions, Respondent violated section 1247(2) of the Michigan Insurance Code.
6. Section 1244(1) of the Michigan Insurance Code, MCL 500.1244(1), provides:

If the commissioner finds that a person has violated this chapter, after an opportunity for a hearing pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, the commissioner shall reduce the findings and decision to writing and shall issue and cause to be served upon the person charged with the violation a copy of the findings and an order requiring the person to cease and desist from the violation. In addition, the commissioner may order any of the following:

(a) Payment of a civil fine of not more than \$500.00 for each violation. However, if the person knew or reasonably should have known that he or she was in violation of this chapter, the commissioner may order the payment of a civil fine of not more than \$2,500.00 for each violation. An order of the commissioner under this subsection shall not require the payment of civil fines exceeding \$25,000.00. A fine collected under this subdivision shall be turned over to the state treasurer and credited to the general fund of the state.

- (b) A refund of any overcharges.
- (c) That restitution be made to the insured or other claimant to cover incurred losses, damages, or other harm attributable to the acts of the person found to be in violation of this chapter.
- (d) The suspension or revocation of the person's license.

**III. ORDER**

Based on the conduct described above and in accordance with section 1244(1) of the Michigan Insurance Code, Respondent William Porath's nonresident insurance producer license is revoked.



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R. Kevin Clinton  
Commissioner