

**STATE OF MICHIGAN
DEPARTMENT OF INSURANCE AND FINANCIAL SERVICES**

Before the Director of the Department of Insurance and Financial Services

In the matter of:

Urquhart Holdings, LLC dba The Insurance Guys
Unlicensed

Enforcement Case No. 23-17109

Respondent.

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**Issued and entered
on February 13, 2023
by Joseph A. Garcia
General Counsel**

**ORDER TO CEASE AND DESIST WITH STATEMENT OF FINDINGS
AND NOTICE OF OPPORTUNITY FOR HEARING**

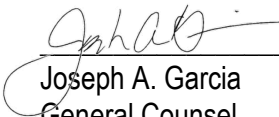
Pursuant to Section 251 of the Michigan Insurance Code (Code), MCL 500.251, and after reviewing evidence of the conduct described in the attached Statement of Findings, and

WHEREAS, the Director of the Department of Insurance and Financial Services finds that immediate action is necessary and appropriate in the public interest for the protection of the public health, safety, and welfare, and consistent with the purposes fairly intended by public policy and provisions of the Code,

IT IS THEREFORE ORDERED THAT:

1. Respondent Urquhart Holdings, LLC dba The Insurance Guys (Respondent TIG) shall immediately **CEASE AND DESIST** from all activities in violation of the Code as described in the Statement of Findings.
2. A copy of this Order shall be immediately served upon Respondent TIG. As to any Respondent, this Order shall be effective upon the date of service.
3. Respondent TIG will have 30 calendar days after the service of this Order to contest it by requesting a hearing. Within 10 calendar days after receiving the request, the hearing process shall commence. This Order shall remain in effect until further order of the Director. Any request for a hearing should be addressed to the Department of Insurance and Financial Services, Attention: Randie Swinson, Hearings Coordinator, P.O. Box 30220, Lansing, MI 48909-7720 or faxed to 517-284-8851.
4. Any such hearing held shall address the following issues:

- a. The facts set forth in the Statement of Findings.
 - b. The continuation of the Order to Cease and Desist.
 - c. Restitution to be paid by the Respondent.
5. If a hearing is requested, an administrative law judge from the Michigan Office of Administrative Hearings and Rules shall preside over any such hearing.
6. The Director retains jurisdiction of the matters contained herein and the authority to issue such further Orders as shall be deemed just, necessary, and appropriate.
7. Pursuant to Section 251(6) of the Code, MCL 500.251(6), a person who violates or otherwise fails to comply with an Order to Cease and Desist is subject to one or more of the following:
- a. Payment of a civil fine of not more than \$1,000.00 for each violation not to exceed an aggregate civil fine of \$30,000.00. However, if the person knew or reasonably should have known the conduct was in violation of the cease and desist order, the person shall be subject to a civil fine of not more than \$25,000.00 for each violation not to exceed an aggregate civil fine of \$250,000.00.
 - b. Suspension or revocation of the person's license or certificate of authority.
 - c. Complete restitution, in the form, amount, and within the period determined by the Director, to all persons in Michigan damaged by the violation or failure to comply.



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STATEMENT OF FINDINGS

1. Pursuant to Section 251(1) of the Code, MCL 500.251(1), the Director is empowered to issue a cease and desist order if the Director finds any of the following:
 - (a) A person is conducting transactions of insurance for which a certificate of authority is required by this act without having obtained a certificate of authority.
 - (b) A person is acting as an insurance agent, solicitor, adjuster, or counselor without a license as required by this act.
 - (c) A person is engaged in an act or practice in the business of insurance for which authority from or notification to the commissioner is required by this act and the person has not received authority or given notification.
 - (d) A person authorized to engage in the business of insurance under this act is engaged in conduct that presents an immediate danger to public health, safety, or welfare. MCL 500.251(1).
2. Section 1205(2) of the Code, MCL 500.1205(2) requires that a “business entity acting as an insurance producer” obtain an insurance producer license.
3. Pursuant to Section 1201a of the Code, MCL 500.1201a, the sale, solicitation or negotiation of insurance in Michigan constitute actions of an insurance producer that necessitate licensure. These terms as defined in Section 1201 of the Code, MCL 500.1201, are as follows:
 - a. “Negotiate” means the act of conferring directly with or offering advice directly to a purchaser or prospective purchaser of a particular contract of insurance concerning any of the substantive benefits, terms, or conditions of the contract, provided that the person engaged in that act either sells insurance or obtains insurance from insurers for purchasers. MCL 500.1201(m).
 - b. “Sell” means to exchange a contract of insurance by any means, for money or its equivalent, on behalf of an insurance company. MCL 500.1201(n).

- c. "Solicit" means attempting to sell insurance or asking or urging a person to apply for a particular kind of insurance from a particular company. MCL 500.1201(o).
4. DIFS staff received information about possible unlicensed activity by Respondent Urquhart Holdings, LLC dba The Insurance Guys (Respondent TIG).
5. Respondent TIG was organized on-or-around December 21, 2017. The resident agent identified on its corporate filings with the State of Michigan is Scott Urquhart (System ID No. 0091073), who is a licensed insurance producer. A review of DIFS' records reveals that Respondent TIG is not licensed under the Code.
6. Respondent TIG maintains a Facebook profile under the name of "The Insurance Guys." On-or-around September 2, 2022, Respondent TIG posted an advertisement for the sale of "auto, renters, homeowners, life and business insurance."
7. When DIFS' staff reached out to Mr. Urquhart detailing the licensing requirements and providing information on how Respondent TIG could obtain licensure. Mr. Urquhart responded by providing the identification number on file with Respondent TIG's corporate filings. To date, Respondent TIG is not licensed.
8. Respondent TIG's actions constitute solicitation of insurance without the requisite insurance producer license. In doing this, Respondent TIG violated Section 1205(2) of the Code, MCL 500.1205(2), and Section 1239(1)(g) of the Code, MCL 500.1239(1)(g).
9. Respondent TIG is subject to sanctions under Sections 1239(2)(e), and 1244(1) of the Code, MCL 500.1239(2)(e), and 500.1244(1). Such sanctions include an order requiring Respondent to cease-and-desist from further violations of the Code and, also, monetary fines up to \$5,000.00 per violation.