

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

Before the Director of the Department of Insurance and Financial Services

In the matter of:

Colleen Messimer

Enforcement Case No. 22-16805

Respondent.
_____ /

**Issued and entered
on December 21, 2022
by **Judith A. Weaver**
Senior Deputy Director**

ORDER OF PROHIBITION

WHEREAS, the Director of the Department of Insurance and Financial Services (DIFS) is statutorily charged with the responsibility and authority to administer and implement the Deferred Presentment Service Transactions Act (hereinafter "Act"), 2005 PA 244, as amended, MCL 487.2121 *et seq.*, pursuant to provisions therein; and

WHEREAS, based upon evidence obtained from the exercise of its regulatory responsibilities, DIFS has good cause and reason to believe that Respondent has engaged in fraudulent conduct; and

WHEREAS, Section 49(1) of the Act, MCL 487.2169(1), provides for the issuance of a written notice of intention to prohibit a person who has engaged in fraudulent conduct from being employed by, an agent of, or an executive officer of a licensee under the Act; and

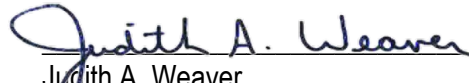
WHEREAS, on September 14, 2022, DIFS issued a Notice of Intention to Prohibit, Statement of Factual Allegations, Order for Hearing, and Notice of Hearing, alleging that Respondent engaged in fraudulent conduct; and

WHEREAS, Respondent stipulated and consented to the entry of this Order of Prohibition and, therefore, waived the right to a hearing in this matter; and

WHEREAS, the Director incorporates by reference and adopts herein the findings and conclusions of law and fact contained in the Notice of Intent to Prohibit and Statement of Factual Allegations issued in this matter and finds that Respondent has committed fraud and is therefore eligible for and subject to prohibition, pursuant to Section 49 of the Act. MCL 487.2169,

IT IS THEREFORE ORDERED that:

1. Respondent Colleen Messimer is **PROHIBITED** from being employed by, an agent of, or an executive officer of a licensee under the Deferred Presentment Service Transactions Act, 2005 PA 244, as amended, MCL 487.2121 *et seq.*
2. This Order shall be and is effective on the date it is issued and entered and shall remain in effect until terminated, modified, or set aside in writing by the Director.



Judith A. Weaver
Senior Deputy Director

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

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STIPULATION TO ENTRY OF ORDER

Colleen Messimer (Respondent) and the Department of Insurance and Financial Services (DIFS) hereby stipulate and agree to the following:

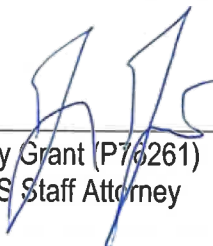
1. On September 14, 2022, the Department of Insurance and Financial Services (DIFS) issued a Notice of Intention to Prohibit and Statement of Factual Allegations to Respondent, pursuant to the Deferred Presentment Service Transactions Act (hereinafter "Act"), 2005 PA 244, as amended, MCL 487.2121 *et seq.*, in which it alleged that that Respondent engaged in fraudulent conduct. DIFS asserted, *inter alia*, that Respondent had created and/or processed multiple fake deferred presentment contracts by using current customer profiles without the customers' knowledge or consent and forging the customers' names on the contracts
2. Respondent neither admits nor denies the allegations contained in the Notice of Intention to Prohibit and Statement of Factual Allegations.
3. Respondent has reviewed and voluntarily consented to the entry of the Order of Prohibition that will be entered in this enforcement case upon approval of the Senior Deputy Director.
4. Respondent understands that this Stipulation will be presented to the Senior Deputy Director for approval and that the Senior Deputy Director may or may not approve and adopt it. Respondent further agrees that the Senior Deputy Director has jurisdiction and authority to approve and adopt this Stipulation.
5. Respondent understands that, by agreeing to this Stipulation to Entry of Order, she is waiving the right, pursuant to the Act, the rules promulgated thereto, and the Michigan Administrative Procedures Act of 1969 (APA), to a hearing before an administrative law judge, at which DIFS would be required to prove the charges set forth by presentation of evidence and legal authority and at which Respondent would be entitled to appear, to cross-examine all witnesses presented by DIFS, and to present such testimony or other evidence or legal authority deemed appropriate as a defense to said charges.

6. Respondent understands and agrees that the Director will decide this case following a Michigan Office of Administrative Hearings and Rules hearing in the event that the Stipulation to Entry of Order is not approved.
7. The parties agree that the Stipulation to Entry of Order represents the full and complete agreement of the parties in this matter and, provided that Respondent complies with the provisions of the Order of Prohibition, shall resolve the enforcement case captioned above.



Colleen Messimer, Respondent

12-13-2022
Date



Gary Grant (P76261)
DIFS Staff Attorney

12-21-2022
Date