

STATE OF MICHIGAN
DEPARTMENT OF INSURANCE AND FINANCIAL SERVICES
Before the Director of the Department of Insurance and Financial Services

In the matter of:

Renault Kassab
System ID No. 0316208

Enforcement Case No. 17-14879

Marissa Hodges
System ID No. 0757982

Graciela Hodges
System ID No. 0708119

Alf Insurance Agency 9, LLC
System ID No. 0101278

Respondents.

_____ /

Issued and entered
on February 22, 2019
by Teri L. Morante
Chief Deputy Director

ORDER ACCEPTING STIPULATION

Based upon the Stipulation to Entry of Order and the files and records of the Department of Insurance and Financial Services (DIFS) in this matter, the Chief Deputy Director finds and concludes that:

1. Pursuant to Executive Order 2013-1, all authority, powers, duties, functions, and responsibilities of the Commissioner of the Office of Financial and Insurance Regulation (Commissioner) have been transferred to the Director of DIFS.
2. The Chief Deputy Director has jurisdiction and authority to adopt and issue this Order Accepting Stipulation in this proceeding pursuant to the Michigan Administrative Procedures Act of 1969 (APA), as amended, MCL 24.201 *et seq.*, and the Michigan Insurance Code of 1956 (Code), MCL 500.100 *et seq.*
3. Respondent ALF Insurance Agency 9 (System ID No. 0101278) (hereinafter ALF 9) is a licensed resident insurance agency producer. Its principal place of business is located at 8158 Executive Ct, Suite 10, Lansing, MI 48917.
4. Respondent Marissa Hodges (System ID No. 0757982) (hereinafter M. Hodges) is a licensed resident insurance producer.
5. Respondent Graciela Hodges (System ID No. 0708119) (hereinafter G. Hodges) is a licensed resident insurance producer and served as a DRLP for ALF 9 during the period relevant to the above-captioned enforcement case.

6. Respondent Renault Kassab (System ID No. 0316208) is a licensed resident insurance producer and served as a DRLP for ALF 9 during the period relevant to the above-captioned enforcement case.
7. ALF 9, M. Hodges, G. Hodges, and Kassab are collectively herein referred to as the Respondents.
8. All required notices have been issued in this case, and the notices and service thereof were appropriate and lawful in all respects.
9. Acceptance of the Stipulation to Entry of Order is reasonable and in the public interest.
10. All applicable provisions of the APA have been met.
11. Respondents neither admit nor deny the allegations contained in the Notice of Opportunity to Show Compliance (NOSC) nor the findings contained in this Order set forth below, but have agreed to the entry of this Order to fully resolve the above-captioned enforcement case.
12. Based on its investigation of the above-captioned enforcement case, DIFS finds as follows:
 - a. ALF 9 either sells or sold Nation Safe Drivers (NSD) motor club memberships in conjunction with the sale of DIFS-approved insurance policies. An NSD motor club membership was an optional ancillary product and the purchase of such a membership was not required to purchase a DIFS-approved insurance policy during the timeframe relative to this action.
 - b. Respondent M. Hodges misled customers by: (1) providing quotes for automobile insurance to the customers that actually represented the cost of both automobile insurance and NSD motor club memberships; (2) falsely informing the customers that NSD motor club memberships were included as a part of their policies at no additional charge; (3) failing to fully inform or explain to customers that she was soliciting and/or selling them optional NSD motor club memberships that were not required for the purchase of automobile insurance; (4) including NSD paperwork as part of customer transactions even though the purchase of NSD motor club memberships was never discussed with or agreed to by the customers; and (5) failing to fully inform or explain to customers that a portion of the money that they were providing for the payment of automobile insurance premiums was being applied toward the purchase of NSD motor club memberships.
 - c. Respondents G. Hodges, Kassab, and ALF 9 either knew or should have known that M. Hodges engaged in deception by selling customers NSD motor club memberships without obtaining their informed consent to the sales.
13. Based on the foregoing findings, the Chief Deputy Director finds and concludes that Respondents have committed acts under the Code that provide justification for the Director to order licensing sanctions according to Sections 1207(1), 1239(1)(b), (1)(d), (1)(e), (1)(h), and (3), and 1244(1)(a-d) of the Code, MCL 500.1207(1), 500.1239(1)(b), (1)(d), (1)(e), (1)(h), and (3), and 500.1244(1)(a-d).

Now therefore, based upon the Stipulation to Entry of Order and the facts surrounding this case, **IT IS ORDERED THAT:**

1. The Stipulation to Entry of Order and all agreements contained therein are accepted in their entirety.
2. Respondent ALF 9 shall pay a civil fine of \$1675.00 within thirty days of the issuance of a DIFS invoice for said amount. Additionally, it shall provide restitution to customer TB (7-6-16 date of NSD transaction) as well as to all customers cited in the NOSC for whom a refund of the cost of the NSD has not been previously provided. The restitution shall consist of a refund of the purchase price of the NSD and must be provided to the customers within thirty days of the issuance of this Order. ALF 9 shall provide a full accounting to DIFS within 45 days of the signing of the Order as to its compliance with restitution, including the names of customers, amounts paid, and dates paid.
3. Respondent Marissa Hodges shall pay a civil fine of \$10,000.00 within thirty days of the issuance of a DIFS invoice for said amount.
4. Respondent Graciela Hodges shall pay a civil fine of \$670.00 within thirty days of the issuance of a DIFS invoice for said amount.
5. Respondent Renault Kassab shall pay a civil fine of \$670.00 within thirty days of the issuance of a DIFS invoice for said amount.
6. Within thirty days of the execution of this agreement, ALF 9 shall develop and implement a written internal procedure with respect to the sale of ancillary products in conjunction with or contemporaneously with insurance. The goal of the procedure should be to ensure that the Code is not violated in the future in the manner described in paragraphs 12-13 above and that the informed consent of the customer has been obtained prior to the sale of the ancillary product. The procedure must communicate to ALF 9 staff that the sale of an insurance policy cannot be conditioned upon the purchase of an ancillary product.
7. The Chief Deputy Director retains jurisdiction over the matters contained herein and has the authority to issue such further orders as shall be deemed just, necessary, and appropriate in accordance with the Code. Failure to abide by the terms and provisions of the Stipulation to Entry of Order and this Order constitutes an independent violation of the Code and may result in the commencement of additional proceedings that could impose additional penalties, including revocation of licensure.


Teri L. Morante
Chief Deputy Director

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_____ /


STIPULATION TO ENTRY OF ORDER

Petitioner DIFS and Respondents Renault Kassab, Marissa Hodges, Graciela Hodges, and ALF Insurance Agency 9, stipulate to the following:

1. On or about February 12, 2018, DIFS issued a Notice of Opportunity to Show Compliance (NOSC) in the above-captioned enforcement case. DIFS alleged that Respondents engaged in actions in violation of Sections 1207(1) of the Code, MCL 500.1207(1) and acts that gave rise to sanctions pursuant to Sections 1239(1)(b), (1)(d), (1)(e), (1)(h), and (3) of the Code, MCL 500.1239(1)(b), (1)(d), (1)(e), (1)(h), and (3). DIFS' factual assertions were essentially that Respondent Marissa Hodges sold NSD motor club memberships in conjunction with insurance transactions and failed to obtain the informed consent of customers to the sale of said memberships. Additionally, it was alleged that Respondents Graciela Hodges, Renault Kassab, and ALF Insurance Agency 9 were negligent by allowing the Code violations cited above to occur.
2. Without admitting to any of the allegations set forth above, Respondents have reviewed and voluntarily consented to the entry of the Order Accepting Stipulation above.
3. Respondents understand that this Stipulation will be presented to the Chief Deputy Director for approval and the Chief Deputy Director may or may not approve and adopt it.
4. Respondents agree that the Chief Deputy Director has jurisdiction and authority to approve and adopt this Stipulation pursuant to the Code.
5. Respondents understand that, by agreeing to this Stipulation to Entry of Order, they are waiving the right, pursuant to the Code, the rules promulgated thereto, and the 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 Respondents 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.

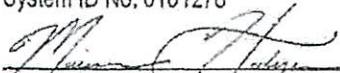
6. Respondents waive any objection to the Director deciding this case following a MAHS hearing in the event the Stipulation to Entry of Order is not approved.
7. The parties agree that the Stipulation to Entry of Order represents the full and complete agreement of the parties in this matter and, in the event that the Stipulation is accepted by the Chief Deputy Director, shall completely resolve the enforcement case captioned above.



ALF Insurance Agency 9, Respondent
System ID No. 0101278

2/12/19

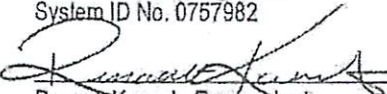
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Marissa Hodges, Respondent
System ID No. 0757982

2/11/19

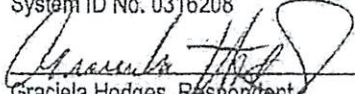
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Renault Kassab, Respondent
System ID No. 0316208

2/11/19

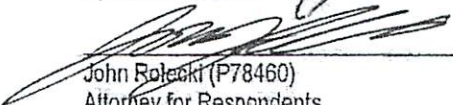
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Graciela Hodges, Respondent
System ID No. 0708119

2/11/19


Date



John Bolecki (P78460)
Attorney for Respondents

2/13/2019

Date

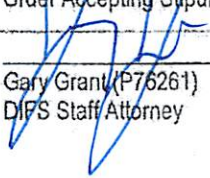


Teri L. Morante
Chief Deputy Director, DIFS

2/22/19

Date

DIFS Staff approve this Stipulation and recommend that the Chief Deputy Director accept it and issue an Order Accepting Stipulation.



Gary Grant (P76261)
DIFS Staff Attorney

2-13-19

Date