

STATE OF MICHIGAN  
DEPARTMENT OF INSURANCE AND FINANCIAL SERVICES

Before the Director of the Department of Insurance and Financial Services

In the matter of:

Rose Marie Allen  
Unlicensed

Enforcement Case No. 19-15559

Respondent.

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Issued and entered  
on May 14, 2019  
by Teri L. Morante  
Chief Deputy Director

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

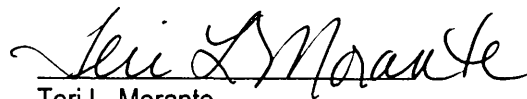
Pursuant to Section 251 of the Michigan Insurance Code (Code), MCL 500.251, and after reviewing evidence of the conduct described in the attached Statement of Findings, and

**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. The Respondent 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. As to any Respondent, this Order shall be effective upon the date of service.
3. Respondent 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: Christy Capelin, Hearings Coordinator, P.O. Box 30220, Lansing, MI 48909-7720 or faxed to 517-284-8843.
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 Administrative Hearing System 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 for each violation not to exceed an aggregate civil fine of \$30,000. 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 for each violation not to exceed an aggregate civil fine of \$250,000.
    - 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.



Teri L. Morante  
Chief Deputy Director

Dated: May 14, 2019

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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. Under Section 1201a(1) of the Code, it is a violation for a person to sell, solicit, or negotiate insurance in this state for any line of insurance without first obtaining a license or qualification for that line. MCL 500.1201a(1).
  - 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(k).
  - 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(l).
  - 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(m).

3. Under Section 3101a(4) of the Code, a person who supplies false information to the secretary of state under this section or who issues or uses an altered, fraudulent, or counterfeit certificate of insurance is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00 or both. MCL 500.3101a(4).
4. Under Section 4503(g)(i) of the Code, it is a fraudulent insurance act to divert, attempt to divert, or conspire to divert funds of an insurer or of other persons in connection with the transaction of insurance or reinsurance with the intent to injure, defraud, or deceive. MCL 500.4503(g)(i).
5. DIFS Staff received information about possible unlicensed activity by Rose Marie Allen (Respondent). A review of DIFS' records revealed that Respondent is not licensed under the Code.
6. After an investigation, DIFS' Staff concluded that Respondent has engaged in activities regulated by the Code, without the requisite license, and has violated the insurance laws of this state.
7. Specifically, DIFS' Staff found Respondent is advertising insurance in a Facebook public group by user "Rose Jla Tyrin." The investigation confirmed that the person advertising as "Rose Jla Tyrin" is Respondent. Respondent posted multiple advertisements for auto insurance involving several rate schemes and a variety of contact phone numbers. The advertisements purport the insurance to be "legit" and offers several examples of its uses including tags, new car, rentals insurance, and court, and can "even be backdated for court."
8. In addition, DIFS' Staff found that on November 30, 2018, Respondent submitted a fraudulent Liberty Mutual certificate of insurance, policy number AOS-248-220205, on her own behalf, to the Secretary of State (SOS) to register her personal vehicle. The SOS recognized the policy as fraudulent and non-effective as policy number AOS-248-220205 has been listed on 407 certificates of no-fault insurance since December 2016.
9. By soliciting insurance, Respondent, as an unlicensed producer, violated Section 1201a(1) of the Code, MCL 500.1201a(1).
10. By supplying false information to the Secretary of State and using a fraudulent certificate of insurance, Respondent has violated Section 3101a(4) of the Code, MCL 500.3101a(4).
11. By attempting to divert funds from the public in exchange for insurance policies, Respondent violated Section 4503(g)(i) of the Code, MCL 500.4503(g)(i).
12. Based on the aforementioned findings, Respondent is acting as an insurance producer, solicitor, adjuster, or counselor without a license as required by the Code.

13. Respondent is subject to sanctions under Sections 150, 1239(1)(b) and 1244 of the Code, MCL 500.150, 500.1239(1)(b) and 500.1244. Furthermore, if the above facts are found to be true, Respondent's violation of Section 3101a(4) of the Code, MCL 500.3110a(4), may be considered a misdemeanor and Respondent's violation of Section 4503(g)(i) of the Code may also be considered a felony under Section 4511 of the Code, MCL 500.4511.
  
14. Based on the aforementioned findings, Respondent is engaged in an act or practice in the business of insurance for which authority from or notification to the Director is required by the Code, and the Respondent has not received authority or given notification.