

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

Before the Director of the Department of Insurance and Financial Services

In the matter of:

Mary Ann Bencivenga
System ID No. 0071978

Enforcement Case No. 19-15487

Bencivenga Insurance Agency, Inc.
System ID No. 0010219

Respondents.

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Issued and entered
on Oct. 25, 2019
by Teri L. Morante
Chief Deputy Director

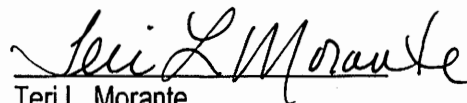
ORDER ACCEPTING STIPULATION

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. 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.*
2. All required notices have been issued in this case, and the notices and service thereof were appropriate and lawful in all respects.
3. Acceptance of the Stipulation to Entry of Order is reasonable and in the public interest.
4. All applicable provisions of the APA have been met.
5. Respondents violated Sections 1201a(1), 1207(1) & (2), 1505(1)(e), 1905, and 2024 and have provided justification under 1239(1)(b), (d), and (h), of the Code, MCL 500.120a(1), 500.1207(1) & (2), 500.150(1)(e), 500.1905, 500.2024, and 500.1239(1)(b), (d), and (h), for the Director to order a civil fine against Respondents, pursuant to Sections 1239(1) and 1244(1) of the Code, MCL 500.1239(1) and 500.1244(1), by allowing an unlicensed person to act as an insurance producer, failing to act as a fiduciary of money received or to use reasonable accounting methods to record funds received in their fiduciary capacity, receiving excess fee for premium finance agreements, selling surplus lines insurance without a surplus lines license, and paying premium on behalf of customers.

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

6. Respondents shall cease and desist from operating in a manner that violates Sections 1201a(1), 1207(1) & (2), 1505(1)(e), 1905, and 2024 of the Code, MCL 500.1201a(1), 500.1207(1) & (2), 500.1505(1)(e), 500.1905, and 500.2024.
7. Respondents shall ensure all people selling, soliciting, or negotiating insurance on behalf of Respondent Bencivenga Insurance Agency are licensed insurance producers under the Code.
8. Respondents shall immediately implement reasonable accounting methods, as provided in the Stipulation to Entry of Order.
9. Respondents shall comply with Section 1905 of the Code, MCL 500.1905, and Insurance Bulletin 2016-15-INS.
10. Respondents shall not pay the premium on behalf of customers.
11. Respondents shall comply with the provisions of Section 1505(1)(e) of the Code, MCL 500.1505(1)(e).
12. Respondents shall pay to the State of Michigan, through DIFS, administrative and civil fines in the amount of \$2,500.00. Respondents further agree to pay the fine within 30 days of the invoice date as indicated on the DIFS invoice.
13. If Respondents fail to pay the fines and/or fees in accordance with the terms of this Stipulation and the Order, the fines and/or fees shall immediately increase to the maximum amount allowed under the Code and shall be immediately due in full, and Respondents' licenses shall be suspended until the fine is paid.
14. The Chief Deputy Director retains jurisdiction over the matters contained herein and has the authority to issue such further order(s) 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 may result in the commencement of additional proceedings.



Teri L. Morante
Chief Deputy Director

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

Before the Director of the Department of Insurance and Financial Services

In the matter of:

Mary Ann Bencivenga
System ID No. 0071978

Enforcement Case No. 19-15487

Bencivenga Insurance Agency, Inc.
System ID No. 0010219

Respondents.

_____ /

STIPULATION TO ENTRY OF ORDER

Respondent Mary Ann Bencivenga, System ID No. 0071978 and Respondent Bencivenga Insurance Agency, Inc. System ID No. 0010219 (Respondents) stipulate to the following:

1. On or about April 12, 2019, the Department of Insurance and Financial Services (DIFS) served Respondents with a Notice of Opportunity to Show Compliance (NOSC) alleging that Respondents violated provisions of the Insurance Code of 1956 (Code), MCL 500.100 *et seq.*
2. Specifically, the NOSC contained allegations that Respondents violated Sections 1201a(1), 1207(1) & (2), 1505(1)(e), 1905, and 2024 of the Code, MCL 500.120a(1), 500.1207(1) & (2), 500.150(1)(e), 500.1905, and 500.2024.
3. Respondents neither admit nor deny the allegations, but agree to the entry of a stipulated order for the purpose of resolving this matter.
4. Respondents and DIFS conferred for the purpose of resolving this matter.
5. Respondents exercised the right to an opportunity to show compliance pursuant to the Michigan Administrative Procedures Act (APA), MCL 24.201 *et seq.*
6. At all pertinent times, Respondent Mary Ann Bencivenga was licensed with DIFS as an insurance producer pursuant to the Code.
7. At all pertinent times, Respondent Bencivenga Insurance Agency, Inc. was licensed with DIFS as an insurance producer pursuant to the Code.
8. All parties have complied with the procedural requirements of the APA and the Code.
9. Respondents agree to cease and desist from operating in a manner that violates Sections 1201a(1), 1207(1) & (2), 1505(1)(e), 1905, and 2024 of the Code, MCL 500.1201a(1), 500.1207(1) & (2), 500.150(1)(e), 500.1905, and 500.2024.

10. Respondents agree to ensure all people selling, soliciting, or negotiating insurance on behalf of Respondent Bencivenga Insurance Agency are licensed insurance producers under the Code.
11. Respondents agree to immediately implement reasonable accounting methods to ensure compliance with Section 1207 of the Code, MCL 500.1207, as follows:
 - a. Ensure all money received in its fiduciary capacity is timely remitted to whom it is owed.
 - b. Ensure all money received from an insurer is timely returned to an insured.
12. Respondents agree to comply with Section 1905 of the Code, MCL 500.1905, and Insurance Bulletin 2016-15-INS.
13. Respondents agree to not pay the premium on behalf of customers.
14. Respondents agree to comply with the provisions of Section 1505(1)(e) of the Code, MCL 500.1505(1)(e).
15. Respondents shall pay to the State of Michigan, through DIFS, administrative and civil fines in the amount of \$2,5000.00. Respondents further agree to pay the fine within 30 days of the invoice date as indicated on the DIFS invoice.
16. Respondents have had an opportunity to review this Stipulation to Entry of Order and the proposed Order Accepting Stipulation and have the same reviewed by legal counsel.
17. Respondents understand and agree that this Stipulation to Entry of Order will be presented to the Chief Deputy Director for approval.
18. Respondents understand and agree that the Chief Deputy Director may, in her sole discretion, decide to accept or reject this Stipulation to Entry of Order. If the Chief Deputy Director accepts the Stipulation to Entry of Order, Respondents waive the right to a hearing in this matter and consents to the entry of the Order Accepting Stipulation. If the Chief Deputy Director does not accept the Stipulation to Entry of Order, Respondents waive any objection to the Director holding a formal administrative hearing and making a decision after such hearing.
19. It is further stipulated that the amount of fines and/or fees has been negotiated in return for the avoidance of further proceedings and certain promises and conditions, one of which is the timely payment of said fines and/or fees. Should Respondents fail to pay the fines and/or fees in accordance with the terms of this Stipulation and the Director's Order, the parties agree that an action will commence to determine if Respondents have, in fact, failed to pay, and, if so, Respondents agree that the fines and/or fees will immediately increase to the maximum amount allowed under the Code, shall be immediately due in full, and Respondents' license(s) shall be suspended until the fine is paid.

Mary Ann Bencivenga
Mary Ann Bencivenga
System ID No. 0071978

10/21/2019
Date

Mary Ann Bencivenga
Authorized Representative of
Bencivenga Insurance Agency, Inc
System ID No. 0010219

10/21/2019
Date

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

William R. Peattie
William R. Peattie (P48004)
DIFS Staff Attorney

10/24/19
Date