

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

Before the Director of the Department of Insurance and Financial Services

In the matter of:

DANIEL R. MARTIN
System ID No. 0026483

Enforcement Case No. 15-12289

Respondent.

_____ /

Issued and entered
on January 23, 2015
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:

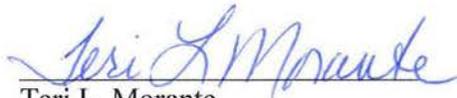
1. Pursuant to Executive Order 2013-1, all authority, powers, duties, functions, and responsibilities of the Commissioner of the Office of Financial and Insurance Regulation (Commissioner) have been transferred to the Director of the Department of Insurance and Financial Services (DIFS).
2. The Chief 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. All required notices have been issued in this case, and the notices and service thereof were appropriate and lawful in all respects.
4. Acceptance of the Stipulation to Entry of Order is reasonable and in the public interest.
5. All applicable provisions of the APA have been met.
6. Respondent violated Section 1207(1) of the Code, MCL 500.1207(1), by failing to turn over money he was holding to the persons to whom it was owed. Respondent's conduct provides justification for the Director to revoke his license pursuant to Section 1239(1)(d) of the Code, MCL 500.1239(1)(d), by improperly withholding money received during the course of doing insurance business, and Section 1239(1)(h) of the Code, MCL

500.1239(1)(h), by conducting his business in a fraudulent, dishonest, and financially irresponsible manner.

7. Respondent's conduct as described in the attached Stipulation to Entry of Order provides justification for the Director to revoke his insurance producer license pursuant to Section 1244 of the Code, MCL 500.1244.

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

1. Respondent shall cease and desist from violating the Insurance Code.
2. Respondent's insurance producer license is hereby **REVOKED**.
3. The attached Stipulation to Entry of Order is incorporated herein and made a part of this Order Accepting Stipulation by reference.
4. Respondent shall comply with all terms agreed to in the attached Stipulation to Entry of Order.
5. 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

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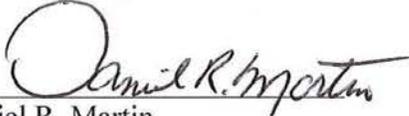
STIPULATION TO ENTRY OF ORDER

Daniel R. Martin (Respondent) stipulates to the following:

1. At all pertinent times, Respondent was licensed with DIFS as a resident insurance producer with qualifications in limited life.
2. The Department of Insurance and Financial Services (DIFS) has alleged that Respondent violated provisions of the Insurance Code of 1956 (Code), MCL 500.100 *et seq.* Specifically, Respondent violated Section 1207(1) of the Code, MCL 500.1207(1), by failing to turn over money he was holding to the persons to whom it was owed.
3. In addition, DIFS has alleged that Respondent's conduct provides justification for the Director to revoke his license pursuant to Section 1239(1)(d) of the Code, MCL 500.1239(1)(d), by improperly withholding money received during the course of doing insurance business, and Section 1239(1)(h) of the Code, MCL 500.1239(1)(h), by conducting his business in a fraudulent, dishonest, and financially irresponsible manner.
4. Respondent exercised the right to an opportunity to show compliance pursuant to the Michigan Administrative Procedures Act (APA), MCL 24.201 *et seq.*
5. Respondent and DIFS conferred for the purpose of resolving this matter.
6. In a signed stipulation with the Department of Licensing and Regulatory Affairs, Respondent admitted that he failed to remit \$162,831.00, collected for prepaid funeral contracts between January 1, 2010, and December 31, 2012, to an escrow agent as required by the Prepaid Funeral and Cemetery Sales Act, MCL 328.211 *et seq.*
7. As a licensed insurance producer with qualifications in limited life, Respondent was authorized to sell prepaid funeral contracts and knew that he was required to comply with all provisions of the Code in connection with those sales.
8. Respondent admits that he failed to turn over money he was holding to the persons to whom it was owed, that he improperly withheld money received during the course of

doing insurance business, and that he conducted his business in a fraudulent, dishonest, and financially irresponsible manner.

9. All parties have complied with the procedural requirements of the APA and the Code.
10. Respondent agrees that he will cease and desist from operating in a manner that violates the Code.
11. Respondent's insurance producer license shall be revoked.
12. Respondent has 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.
13. Respondent understands and agrees that this Stipulation to Entry of Order will be presented to the Chief Deputy Director for approval.
14. 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, Respondent waives 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, Respondent waives any objection to the Director holding a formal administrative hearing and making her decision after such hearing.



Daniel R. Martin
System ID No. 0026483

1-13-2015
Date

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



Scott Basel (P68335)
DIFS Staff Attorney

1-22-15
Date