

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

Before the Director of the Department of Insurance and Financial Services

In the matter of:

Dashanae Elaine Hayes
Unlicensed

Enforcement Case No. 21-16514

Respondent.

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**Issued and entered
on August 3, 2021
by Randall S. Gregg
Senior 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(s) 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(s). As to any Respondent, this Order shall be effective upon the date of service.
3. Respondent(s) 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: Randie Swinson, 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(s).
5. If a hearing is requested, an administrative law judge from the Michigan Office of Administrative Hearings and Rules 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 \$1,000.00 for each violation not to exceed an aggregate civil fine of \$30,000.00. 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 \$25,000.00 for each violation not to exceed an aggregate civil fine of \$250,000.00.
 - 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.



Randall S. Gregg
Senior Deputy Director

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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.

2. Under Section 1201a(1) of the Code, MCL 500.1201a(1), 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.
 - 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(m).
 - 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(n).
 - 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(o).

3. Under Section 1208a of the Code, MCL 500.1208a(1), an insurance producer shall not act as an agent of an insurer unless the insurance producer becomes an appointed agent of that insurer.
4. Under Section 2271 of the Code, MCL 500.2271, A person shall not do any of the following:
 - (a) Issue or deliver a certificate of insurance that purports to affirmatively or negatively alter, amend, or extend the coverage provided by an insurance policy referenced in the certificate of insurance.
 - (b) Prepare or issue a certificate of insurance that contains any false or misleading information concerning an insurance policy referenced in the certificate of insurance.
5. Under Section 3101a(5) of the Code, MCL 500.3101a(5), 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.
6. Under Section 4503(g)(i) of the Code, MCL 500.4503(g)(i), a fraudulent insurance act includes, but is not limited to, acts or omissions committed by any person who knowingly, and with an intent to injure, defraud, or deceive:
 - (g) Diverts, attempts to divert, or conspires to divert funds of an insurer or of other persons in connection with any of the following:
 - (i) The transaction of insurance or reinsurance.
7. DIFS staff received information about possible unlicensed activity by Dashanae Elaine Hayes (Respondent). A review of DIFS' records revealed that Respondent is not licensed under the Code.
8. Specifically, on April 8, 2021, DIFS investigations staff received information that Respondent solicited fraudulent American Automobile Association (AAA) insurance certificates to consumers via Facebook. An investigation was subsequently opened.
9. DIFS investigator found Respondent's posts containing the following advertisements:

Affordable car insurance with triple aaa we have no fault policy's for 6 month to 1 year we also have full coverage for 6 months to a 1 year can be verified can be accepted by the sos also can be backed up.

Anyone needs triple aaa car insurance Works for sos or kiosk upcoming Cory hearing or Impounds. Starting at 150 6months no fault Available for meet up after and have the paper printed out of I have email and cash app method.
10. At the conclusion of the investigation, DIFS investigator found that Respondent advertised the sale of fraudulent insurance certificates on Facebook, and issued a fraudulent insurance certificate to a

consumer. Respondent has engaged in fraudulent activities and has violated the insurance laws of this state.

11. By issuing a false insurance certificate to a consumer, Respondent violated Sections 2271 and 3101a(5), of the Code.
12. By advertising and selling insurance without the requisite license, Respondent has violated Section 1201a(1) of the Code.
13. By acting as an agent of an insurer without an appointment, Respondent has violated Section 1208a(1) of the Code.
14. By engaging in fraudulent insurance acts by attempting to divert funds of an insurer or other persons in connection with the transaction of insurance, Respondent has violated Section 4503(g)(i) of the Code.
15. Respondent is, therefore, subject to sanctions under Sections 150(1) and 1244(1) of the Code, MCL 500.150(1), and 500.1244(1). Furthermore, if the above facts are found to be true, Respondent's violation of Section 4503(g)(i) may also be considered a felony under Section 4511 of the Code, MCL 500.4511.
16. Based on the aforementioned findings, Respondent is acting as an insurance producer without a license as required by the Code, engaging in fraudulent insurance acts prohibited by the Code, and acting as an agent of an insurer without an appointment as required by the Code.