

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

Jesse Melvin Sisson, Jr.
Petitioner

Case No. 13-907-L
Docket No. 13-000143

v
Department of Insurance and
Financial Services
Respondent

Issued and entered
this 27th day of March 2013
by Randall S. Gregg
Special Deputy Director

FINAL DECISION

This matter concerns the denial of an insurance producer's license to the Petitioner by the Office of Financial and Insurance Regulation.¹ The Petitioner challenged the denial and a hearing was scheduled to adjudicate the matter. The Petitioner has now stated that he no longer wishes to pursue this matter and has requested that the hearing be cancelled.

On March 13, 2013, the staff of the Department of Insurance and Financial Services filed with the administrative law judge (ALJ) a "Motion for Order to Withdraw Case From Docket." The ALJ then issued, on March 18, 2013, an "Order Allowing Withdrawal." This order stated, "the withdrawal request is hereby approved and this matter is closed."

The powers of an administrative law judge are enumerated in section 80(1) of the Administrative Procedures Act of 1969, MCL 24.280(1), provides:

- (1) A presiding officer may do all of the following:
 - (a) Administer oaths and affirmations.
 - (b) Sign and issue subpoenas in the name of the agency, requiring attendance and giving of testimony by witnesses and the production of books, papers, and other documentary evidence.
 - (c) Provide for the taking of testimony by deposition.

1. After this case was initiated, the Governor transferred the authority, powers, duties, functions, and responsibilities of the Commissioner of Financial and Insurance Regulation to the Director of the Department of Insurance and Financial Services (the Director) by Executive Order 2013-1 effective March 18, 2013. The Director now has the authority to conduct formal administrative hearings.

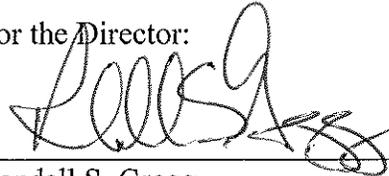
- (d) Regulate the course of the hearings, set the time and place for continued hearings, and fix the time for filing of briefs and other documents.
- (e) Direct the parties to appear and confer to consider simplification of the issues by consent of the parties.
- (f) Act upon an application for an award of costs and fees under sections 121 to 127.

The authority to terminate a case is not among the powers of an administrative law judge. The ALJ may issue an order permitting the Petitioner to withdraw and may order the removal of the case from the Administrative Hearing System's docket, but the final disposition of the case rests solely with the Director of the Department of Insurance and Financial Services or the agency official designated by the Director to make such a disposition. Consequently, that portion of the ALJ's order which purports to close the case is hereby vacated.

Based on the request of the Petitioner to withdraw his appeal of the license denial, it is ORDERED that this matter is dismissed.

R. Kevin Clinton
Director

For the Director:



Randall S. Gregg
Special Deputy Director