

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

Before the Director of the Department of Insurance and Financial Services

In the matter of:

Department of Insurance and Financial Services

Enforcement Case No. 19-15688

Agency No. 19-441-L

Petitioner,

v

Gregory Ray Bieniasz Sr.
System ID No. 0428432

Issued and entered
on December 20 2019
by Randall S. Gregg
Senior Deputy Director

FINAL DECISION

I. Background

Gregory Ray Bieniasz Sr. (Respondent) was a licensed resident insurance producer. On September 1, 2019, Respondent's producer license became inactive for failing to comply with continuing education requirements and remains inactive. The Department of Insurance and Financial Services (DIFS) received information that Respondent failed to comply with a Director's Order that Respondent pay a \$500.00 civil fine and respond to DIFS' letter of inquiry. After investigation and verification of the information, on October 7, 2019, DIFS issued a Notice of Opportunity to Show Compliance (NOSC) alleging that Respondent had provided justification for revocation of licensure and other sanctions pursuant to Sections 1239(1)(b), 1239(5), and 1244(1)(a-d) of the Michigan Insurance Code (Code), MCL 500.1239(1)(b), 500.1239(5), and 500.1244(1)(a-d). Respondent failed to reply to the NOSC.

On November 12, 2019, DIFS issued an Administrative Complaint and Order for Hearing which was served upon Respondent at the address he is required to maintain with DIFS. The Order for Hearing required Respondent to take one of the following actions within 21 days: (1) agree to a resolution of the case, (2) file a response to the allegations with a statement that Respondent planned to attend the hearing, or (3) request an adjournment. Respondent failed to respond or take any of the actions outlined in the Order for Hearing.

On December 6, 2019, DIFS Staff filed a Motion for Final Decision. Respondent did not file a reply to the motion. Given Respondent's failure to respond, Petitioner's motion is granted. The Administrative Complaint, being unchallenged, is accepted as true. Based upon the Administrative Complaint, the Director makes the following Findings of Fact and Conclusions of Law.

II. Findings of Fact and Conclusions of Law

1. On November 13, 2018, Gregory Ray Bieniasz, Sr. (Respondent) entered into a Settlement Agreement with DIFS on Enforcement Case No. 18-15387. In the Settlement Agreement, Respondent agreed to respond to DIFS' original letter of inquiry and pay a market conduct fee of \$250.00, both within 30 days of the signing of the Settlement Agreement.
2. On July 15, 2019, the Director issued a Final Decision in Enforcement Case No. 18-15387 which accepted the following facts as true:
 - a. In the Settlement Agreement, Respondent admitted to violating Section 249 of the Code, MCL 500.249, providing justification for sanctions under Sections 1239(1)(b) and 1244(1)(a-d) of the Code, MCL 500.1239(1)(b) and 500.1244(1)(a-d).
 - b. Pursuant to paragraph 6 of the Settlement Agreement, Respondent agreed to satisfactorily respond to DIFS' original letter of inquiry within thirty (30) days of the execution of the Settlement Agreement.
 - c. Pursuant to paragraph 7 of the Settlement Agreement, Respondent agreed to pay a market conduct fee of \$250.00 within thirty (30) days of the date of DIFS' invoice.
 - d. Respondent has not paid the market conduct fee nor responded to DIFS' original letter of inquiry.
 - e. The market conduct fee and response to DIFS' letter of inquiry were due no later than December 21, 2018.
 - f. Pursuant to paragraph 9 of the Settlement Agreement, Respondent agreed that failure to pay the market conduct fee as set forth within (6) months of the invoice date would result in the fee increasing to \$500.00 and revocation of all licenses held by Respondent.
 - g. DIFS has sent Final Notices to Respondent to his address on record and has made several attempts to procure payment through correspondence via Respondent's email.
 - h. Respondent is more than 6 months overdue on the market conduct fee payment issued pursuant to the Settlement Agreement.
 - i. Respondent is in breach of a material term of his Settlement Agreement and has provided justification for an enhanced market conduct fee pursuant to paragraph 9 of the Settlement Agreement.
 - j. Respondent has received notice and has been given an opportunity to respond and appear and has not responded nor appeared.
3. The July 15, 2019, Final Decision also contained an Order requiring the Respondent to pay a \$500.00 market conduct fee by August 14, 2019, and respond to the Office of Consumer Services' original letter of inquiry within thirty (30) days from the date the Order was issued.

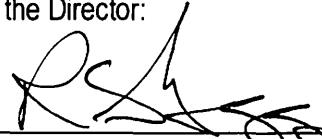
4. Respondent has neither paid the fine nor responded to the Office of Consumer Services' letter of inquiry.
5. On August 1, 2019, Respondent's producer license became inactive for failing to comply with continuing education requirements and remains inactive as of the date of this Notice.
6. As a licensee, Respondent knew or had reason to know that Section 1239(1)(b) of the Code, MCL 500.1239(1)(b), provides that he may be sanctioned for violating any insurance laws or violating an insurance director's order. As set forth above, Respondent failed to comply with the Director's Order issued July 15, 2019, and, thus, provided justification for sanctions, pursuant to Section 1239(1)(b) of the Code, MCL 500.1239(1)(b).
7. Based upon the actions listed above, Respondent has committed acts that provide justification for the Director to order the payment of a civil fine, and/or other licensing sanctions, including revocation of licensure.
8. On October 7, 2019, a Notice of Opportunity to Show Compliance was mailed by first class mail to Respondent at the following address on File: Mr. Gregory Ray Bieniasz, Sr., [REDACTED]
[REDACTED] No response was received nor was the mail returned.
9. On November 13, 2019, true copies of an Administrative Complaint, Order for Hearing and Notice of Hearing were mailed by first class mail to Respondent at the following address of record on file with DIFS: Mr. Gregory Ray Bieniasz Sr., [REDACTED]
10. In paragraph 3 of the Order for Hearing, the Respondent was ordered to do one of the following within 21 days of the date of the Order: 1) agree to a resolution with the opposing party, 2) file a response to the allegations in the Administrative Complaint and file a statement that Respondent plans to attend the hearing as scheduled, or 3) file a request for an adjournment. Paragraph 5 states that failure to make the required filing shall constitute the default of Respondent in this contested case.
11. Respondent has failed to take any of the actions required by paragraph 3 of the Order. See Petitioner's Exhibit 1, Affidavit of Christy Capelin.
12. Despite DIFS Staff having made reasonable efforts to serve Respondent and having complied with 500.1238(2), Respondent has failed to appear and defend.
13. Respondent has received notice and has been given an opportunity to respond and appear and has not responded as required nor appeared.
14. Respondent is in default and the Petitioner is entitled to have all allegations accepted as true.

III. Order

Based upon the Respondent's conduct and the applicable law cited above, it is ordered that:

1. Respondent shall **CEASE** and **DESIST** from violating the Code.
2. Respondent shall immediately **CEASE** and **DESIST** from engaging in the business of insurance.
3. Pursuant to MCL 500.1239(1)(b), MCL 1239(5), and MCL 500.1244(1)(d), Respondent's resident insurance producer license (System ID No. 0753248) is **REVOKED**.

Anita G. Fox, Director
For the Director:

A handwritten signature in black ink, appearing to read 'R. S. Gregg', is written over a horizontal line.

Randall S. Gregg, Senior Deputy Director