

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. 19-15750

Agency No. 19-435-L

Petitioner,

v

Tiffany Anne Boisvert

System ID No. 0902521

Respondent.

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Issued and entered
on February 26, 2020
by Randall S. Gregg
Senior Deputy Director

FINAL DECISION

I. Background

Tiffany Anne Boisvert (Respondent) is a licensed resident insurance producer. The Department of Insurance and Financial Services (DIFS) received information that Respondent failed to respond to a letter of inquiry from DIFS regarding a June 13, 2019, complaint filed against her. The complaint alleged that Respondent had failed to include the complainant's reported interior water damage together with the roof damage claim that she filed on his behalf. After investigation and verification of the information, on September 26, 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) and 1244(1)(a-d) of the Michigan Insurance Code (Code), MCL 500.1239(1) and 500.1244(1)(a-d). Respondent failed to reply to the NOSC.

On November 5, 2019, DIFS issued an Administrative Complaint and Order for Hearing which was served upon Respondent at the address she 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 action.

On December 6, 2019, DIFS staff filed a Motion for Order. Respondent did not file a reply to the motion. Given Respondent's failure to respond, on December 30, 2019, Petitioner's motion was granted, and the Director issued an Order, which suspended Respondent's insurance producer license, ordered Respondent to respond to DIFS' original September 4, 2019, inquiry, and pay a \$500 fine.

On February 14, 2020, DIFS staff filed a Motion for Final Decision Following Order. Respondent did not file a reply to the motion. To date, Respondent has failed to pay the \$500.00 fine and respond DIFS' original inquiry. 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. Respondent is a licensed resident insurance producer with qualifications in Casualty and Property, and her license is currently active.
2. On June 13, 2019, DIFS staff received a complaint regarding a February 25, 2019, insurance claim that was submitted for wind damage to complainant's roof and for water damage inside of his house.
3. The complainant alleged that Respondent had failed to include his reported interior water damage together with the roof damage claim that she filed on his behalf.
4. On September 4, 2019, DIFS staff sent a letter of inquiry to Respondent at her email address of record, which she is required per the Code to keep current. No response was received.
5. On September 9, 2019, DIFS staff mailed a letter of inquiry to Respondent at her mailing address of record, which she is required per the Code to keep current. No response was received by the September 23, 2019, due date.
6. On September 26, 2019, an NOSC was sent to Respondent at her mailing address of record. No response was received by the October 3, 2019, due date.
7. On October 4, 2019, and October 7, 2019, DIFS staff contacted Respondent at her telephone number of record, and left urgent messages requesting immediate responses. Respondent failed to return either call.
8. Respondent has failed to respond, and none of the previously sent correspondence has been returned to DIFS by the United States Postal Service (USPS).
9. As a licensee, Respondent knew or had reason to know that Section 249(a) of the Code, MCL 500.249(a), states:

For the purposes of ascertaining compliance with the provisions of the insurance laws of the state or of ascertaining the business condition and practices of an insurer or proposed insurer, the Commissioner, as often as he deems advisable, may initiate proceedings to examine the accounts, records, documents and transactions pertaining to:

(a) Any insurance agent, surplus line agent, general agent, adjuster, public adjuster or counselor.

10. As a licensee, Respondent knew or had reason to know that Section 1239(1)(b) of the Code, MCL 500.1239(1)(b), states:

(1) In addition to any other powers under this act, the commissioner may place on probation, suspend, or revoke an insurance producer's license or may levy a civil fine under section 1244 or any combination of actions, and the commissioner shall refuse to issue a license under section 1205 or 1206a, for any 1 or more of the following causes:

(b) Violating any insurance laws or violating any regulation, subpoena, or order of the commissioner or of another state's insurance commissioner.

11. As a licensee, Respondent knew or had reason to know that Section 1244(1)(a-c) of the Code, MCL 500.1244(1)(a-c), provides that the Director may order the payment of a civil fine of up to \$1,000.00 for each violation and up to \$5,000.00 for each violation if the Director finds that the person knew or reasonably should have known that he or she was in violation of the Code. The Director may also require the person to refund any overcharges and pay restitution to cover losses, damages, or other harm they caused by violating the Code. Pursuant to Section 1244(1)(d) of the Code, MCL 500.1244(1)(d), the Director may order suspension or revocation of licensure.
12. On November 5, 2019, true copies of an Administrative Complaint, Order for Hearing and Notice of Hearing were mailed by first class mail to Respondent at her address of record. No response was received, and the mail was not returned by the USPS.
13. On December 6, 2019, DIFS staff filed a Motion for Order. Respondent did not file a reply to the motion.
14. On December 30, 2019, Petitioner's motion was granted, and the Director issued an Order, which suspended Respondent's insurance producer license, ordered Respondent to respond to DIFS' original September 14, 2019, inquiry, and pay a \$500 fine.
15. The order advised Respondent that the Director would enter a Final Decision revoking her insurance produce license if the \$500 fine was not paid by the due date.
16. Respondent has failed to pay the \$500.00 fine and respond to DIFS' original inquiry by the due date.
17. Respondent has provided justification for sanctions, pursuant to Section 1239(1)(b) and 1244(1) of the Code, by failing to respond to letters of inquiry from DIFS staff as required pursuant to Section 249(a), MCL 500.249(a).
18. 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.

19. On February 14, 2020, DIFS staff filed a Motion for Final Decision Following Order. Respondent did not file a reply to the motion, and the mail was not returned by the USPS.
20. DIFS staff has made reasonable efforts to serve Respondent and has complied with MCL 1238(2).
21. Respondent has received notice and has been given an opportunity to respond and appear. Respondent has not responded nor appeared.
22. Respondent is in default and the Petitioner is entitled to have all allegations accepted as true.

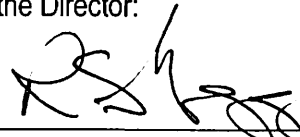
III. Order

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 500.249, MCL 500.1239(1)(b), and MCL 500.1244(1)(d), Respondent's resident insurance producer license (System ID No. 0902521) is **REVOKED**.

Anita G. Fox, Director

For the Director:



Randall S. Gregg, Senior Deputy Director