

STATE OF MICHIGAN
DEPARTMENT OF INSURANCE AND FINANCIAL SERVICES

Before the Director of the Department of Insurance and Financial Services

In the matter of:

Tendai Gopito
System ID No. 0853933

Enforcement Case No. 18-15292

Respondent.

_____ /

Issued and entered
on March 22, 2019
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. 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.*
2. All required notices have been issued in this case, and the notices and service thereof were appropriate and lawful in all respects.
3. Acceptance of the Stipulation to Entry of Order is reasonable and in the public interest.
4. All applicable provisions of the APA have been met.
5. Tendai Gopito (Respondent) has been an active nonresident producer in Michigan with qualifications in property and casualty since April 10, 2018.
6. On or about March 21, 2018, Respondent applied for a Michigan nonresident producer license. On that application, Respondent answered "no" to the following question: "Have you ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony?" Respondent did disclose past misdemeanor convictions in response to another background question on the application. Following a routine background check, Respondent's license was issued on April 10, 2018.
7. On May 9, 2018, documentation was uploaded to the National Insurance Producer Registry (NIPR) Attachment Warehouse regarding Respondent's criminal history. On September 7, 2017, Respondent was charged with felony driving a motor vehicle while under the influence of alcohol

and misdemeanor obstructing officer in the State of Oklahoma, Case No. CF-2017-1255. On April 20, 2018, Respondent's no contest plea to the charge was accepted by the court and he was sentenced to 2 years supervised probation and fined a total of \$960. Respondent had not disclosed on his Michigan nonresident insurance producer application that he was currently charged with committing a felony.

8. As a licensee, Respondent knew or had reason to know that Sections 1239(1)(a), (f) and (h) of the Code, MCL 500.1239(1)(a), (f) and (h), state:

(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:

(a) Providing incorrect, misleading, incomplete, or materially untrue information in the license application.

(f) Having been convicted of a felony.

(h) Using fraudulent, coercive, or dishonest practices or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this state or elsewhere

9. 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 \$500.00 for each violation and up to \$2,500 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.

10. Respondent has provided justification for sanctions pursuant to Section 1239(1)(a) and 1244(1) of the Code by falsely answering "no" to the licensing application question: "Have you ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony?"

11. Respondent has provided justification for sanctions pursuant to Section 1239(1)(f) and 1244(1) of the Code by being convicted of the aforementioned felony, which if it had been properly disclosed on Respondent's 2018 application would have barred licensure.

12. Respondent has provided justification for sanctions pursuant to Section 1239(1)(h) and 1244(1) of the Code by failing to disclose he had been charged on September 7, 2017, in the State of Oklahoma, with felony driving a motor vehicle while under the influence of alcohol and misdemeanor obstructing an officer.
13. 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.

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

1. Respondent Cease and Desist from operating in a manner that violates the Code.
2. Respondent Cease and Desist from all insurance activity.
3. Respondent's nonresident insurance producer license (System ID No. 0853933) is hereby REVOKED.
4. 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

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

Before the Director of the Department of Insurance and Financial Services

In the matter of:

Tendai Gopito
System ID No. 0853933

Enforcement Case No. 18-15292

Respondent.

_____ /

STIPULATION TO ENTRY OF ORDER

Tendai Gopito (Respondent) stipulates to the following:

1. On or about November 9, 2018, the Department of Insurance and Financial Services (DIFS) served Respondent with a Notice of Opportunity to Show Compliance (NOSC) alleging that Respondent violated the following provisions of the Insurance Code of 1956 (Code), MCL 500.100 *et seq.*
2. Tendai Gopito (Respondent) has been an active nonresident producer in Michigan with qualifications in property and casualty since April 10, 2018.
3. On or about March 21, 2018, Respondent applied for a Michigan nonresident producer license. On that application, Respondent answered "no" to the following question: "Have you ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony?" Respondent did disclose past misdemeanor convictions in response to another background question on the application. Following a routine background check, Respondent's license was issued on April 10, 2018.
4. On May 9, 2018, documentation was uploaded to the National Insurance Producer Registry (NIPR) Attachment Warehouse regarding Respondent's criminal history. On September 7, 2017, Respondent was charged with felony driving a motor vehicle while under the influence of alcohol and misdemeanor obstructing officer in the State of Oklahoma, Case No. CF-2017-1255. On April 20, 2018, Respondent's no contest plea to the charge was accepted by the court and he was sentenced to 2 years supervised probation and fined a total of \$960. Respondent had not disclosed that he was currently charged with committing a felony on his Michigan nonresident insurance producer application.
5. As a licensee, Respondent knew or had reason to know that Sections 1239(1)(a), (f) and (h) of the Code, MCL 500.1239(1)(a), (f) and (h), state:

(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:

(a) Providing incorrect, misleading, incomplete, or materially untrue information in the license application.

(f) Having been convicted of a felony.

(h) Using fraudulent, coercive, or dishonest practices or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this state or elsewhere

6. 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 \$500.00 for each violation and up to \$2,500 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.
7. Respondent has provided justification for sanctions pursuant to Section 1239(1)(a) and 1244(1) of the Code by falsely answering "no" to the licensing application question: "Have you ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony?"
8. Respondent has provided justification for sanctions pursuant to Section 1239(1)(f) and 1244(1) of the Code by being convicted of the aforementioned felony, which if it had been properly disclosed on Respondent's 2018 application would have barred licensure.
9. Respondent has provided justification for sanctions pursuant to Section 1239(1)(h) and 1244(1) of the Code by failing to disclose he had been charged on September 7, 2017, in the State of Oklahoma, with felony driving a motor vehicle while under the influence of alcohol and misdemeanor obstructing an officer.
10. 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.
11. On January 7, 2019, true copies of an Administrative Complaint, Order for Hearing and Notice of Hearing were mailed by first class mail to Respondent at his mailing address of record. No response was received, and the mail was not returned by the USPS.

12. On February 19, 2019, DIFS Staff filed a Motion for Final Decision. Respondent did not file a reply to the motion.
13. On February 28, 2019, Respondent contacted DIFS Staff by telephone and agreed to sign a Stipulation to revoke his Michigan nonresident insurance producer license.
14. Respondent and DIFS conferred for the purpose of resolving this matter.
15. Respondent waived the right to an opportunity to show compliance pursuant to the Michigan Administrative Procedures Act (APA), MCL 24.201 *et seq.*
16. At all pertinent times, Respondent was licensed with DIFS as an insurance producer pursuant to the Code.
17. All parties have complied with the procedural requirements of the APA and the Code.
18. Respondent agrees he will cease and desist from operating in a manner that violates the Code.
19. Respondent agrees that Respondent's insurance producer license (System ID No. 0853933) shall be revoked.
20. 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.
21. Respondent understands and agrees that this Stipulation to Entry of Order will be presented to the Chief Deputy Director for approval.

22: Respondent understands and agrees that 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 and Requiring Compliance. 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 a decision after such hearing.

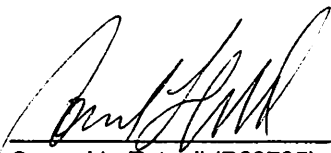


Tendai Gopito
System ID No. 0853933

3/19/2019

Date

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



Conrad L. Tatnall (P69785)
DIFS Staff Attorney

3/21/19

Date