

STATE OF MICHIGAN
DEPARTMENT OF INSURANCE AND FINANCIAL SERVICES

Before the Director of the Department of Insurance and Financial Services

In the matter of:

Ibrahima, Bah
System ID 0729676

Enforcement Case No. 15-12596

Respondent.

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Issued and entered
on November 18, 2015
by Teri L. Morante
Chief 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 Finding, 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 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. As to any Respondent, this Order shall be effective upon the date of service.
3. Respondent 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: Judy Deshazor, Hearings Clerk, 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 Administrative Hearing System 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 for each violation not to exceed an aggregate civil fine of \$30,000. 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 for each violation not to exceed an aggregate civil fine of \$250,000.
 - 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.


Teri L. Morante
Chief Deputy Director

Dated: November 18, 2015

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STATEMENT OF FINDINGS

1. Pursuant to Executive Order 2013-1 all authority, powers, duties, functions, and responsibilities of the Commissioner of the Office of Financial and Insurance Regulation have been transferred to the Director of the Department of Insurance and Financial Services (DIFS).
2. 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. MCL 500.251(1).
3. Under Section 1201a of the Code, 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. MCL 500.1201a(1).
4. Under Section 1201(l) of the Code, "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(l).

5. DIFS Staff received information about insurance transactions conducted by Respondent Bah.
6. After an investigation, DIFS Staff concluded that Respondent Bah engaged in activities regulated by the Code, without the requisite license and violated the insurance laws of this state.
7. On or about January 9, 2015, Respondent Bah purchased an automobile no-fault insurance, policy number 904677631 (policy 7631) from Progressive Direct Insurance Company (Progressive Direct) for his 2000 Mercury Grand Marquis.
8. Between January 9, 2015 and April 29, 2015, Respondent Bah added and removed 158 different vehicles to and from policy 7631. Respondent Bah sold the vehicle owners a certificate of insurance, a vehicle registration, and license tabs. Respondent Bah frequently removed vehicles within days of them being added to policy 7631.
9. On or about May 19, 2015, Progressive Direct rescinded policy 7631, as of January 9, 2015, due to fraud at the time of application.
10. On or about May 21, 2015, DIFS Staff contacted the Regulatory Monitoring Division of the Michigan Department of State (SOS). DIFS Staff provided the SOS with vehicle identification numbers for four of the 158 vehicles associated with policy 7631.
11. On or about June 3, 2015, R. Zavitz, Regulation Agent with the SOS, provided information showing the owners of the four vehicles were individuals other than Respondent Bah. Also, three of the four vehicles registrations were removed the same date they were added to policy 7631.
12. DIFS Staff was unable to contact any of the individual listed as owners of these vehicles.
13. DIFS Staff found that Respondent Bah was adding other individual's vehicles to his policy 7631 and obtaining certificates of insurance for them from Progressive Direct with Respondent Bah listed as the named insured. Respondent Bah then renewed the vehicle registration and the license tabs with the SOS. Finally, Respondent Bah removed the vehicle from policy 7631 once the vehicle registration and license tabs were obtained,
14. By selling insurance in the state of Michigan without an insurance producer license, Respondent Bah violated Section 1201a(1) of the Code, MCL 500.1201a(1).
15. Under Section 4503(a) of the Code, 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: (a) presents, causes to be presented, or prepares with knowledge or belief that it will be presented to an insurer any oral or written statement knowing that the statement contains any false information concerning any fact material to an application for the issuance of an insurance policy.

16. Respondent Bah committed a fraudulent insurance act by knowingly, and with an intent to defraud or deceive when he prepared with knowledge written statements requesting insurance coverage for additional vehicles from Progressive Direct knowing that the statements contained false information concerning the material fact that he was not the actual insured or the owner of the vehicles.
17. Under Section 4503(b) of the Code, 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: (b) Prepares or assists, abets, solicits, or conspires with another to prepare or make an oral or written statement that is intended to be presented to an insurer in connection with, or in support of, any application for the issuance of an insurance policy, knowing that the statement contains any false information concerning any fact or thing material to the application.
18. Respondent Bah committed a fraudulent insurance act by knowingly, and with an intent to defraud or deceive when he prepared or assisted others in committing a fraudulent insurance act when he made written requests to Progressive Direct in connection with insurance coverage on additional vehicles, knowing that the statements contained false information concerning the fact that he was not the actual insured or the owner of the vehicles.