

STATE OF MICHIGAN
DEPARTMENT OF INSURANCE AND FINANCIAL SERVICES

Before the Director of the Department of Insurance and Financial Services

In the matter of:

Joseph Kent Messerly
System ID No. 0085840

Enforcement Case No. 14-12167

Respondent.
_____ /

Issued and entered
on October 14, 2015
by Teri L. Morante
Chief Deputy Director

ORDER ACCEPTING STIPULATION

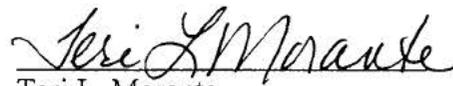
Based upon the Stipulation to Entry of Order and the files and records of the Department of Insurance and Financial Services (DIFS) in this matter, the Chief Deputy Director finds and concludes that:

1. Pursuant to Executive Order 2013-1, all authority, powers, duties, functions, and responsibilities of the Commissioner of the Office of Financial and Insurance Regulation (Commissioner) have been transferred to the Director of DIFS.
2. 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.*
3. All required notices have been issued in this case, and the notices and service thereof were appropriate and lawful in all respects.
4. Acceptance of the Stipulation to Entry of Order is reasonable and in the public interest.
5. All applicable provisions of the APA have been met.
6. Respondent has provided justification for sanctions pursuant to Section 1239(1)(h) of the Code, MCL 500.1239(1)(h), by borrowing money from a client.

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

1. Respondent shall cease and desist from violating the Code.

2. Respondent shall pay a fine in the amount of \$5,000.00.
3. Respondent shall pay restitution to Sonia P. Walton in the amount of \$105,000.00 by August 31, 2016.
4. The attached Stipulation to Entry of Order is incorporated herein and made a part of this Order Accepting Stipulation by reference.
5. Respondent shall comply with all terms agreed to in the attached Stipulation to Entry of Order.
6. 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:

Joseph Kent Messerly
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Respondent.
_____ /

STIPULATION TO ENTRY OF ORDER

Joseph Kent Messerly (Respondent) stipulates to the following:

1. At all pertinent times, Respondent was licensed with DIFS as an insurance producer pursuant to the Code.
2. On or about October 1, 2014, the Department of Insurance and Financial Services (DIFS) served Respondent with a Notice of Opportunity to Show Compliance (NOSC) alleging that Respondent violated provisions of the Insurance Code of 1956 (Code), MCL 500.100 *et seq.*
3. Specifically, the NOSC contained allegations that Respondent provided justification for administrative sanctions pursuant to Section 1239(1)(h) of the Code, MCL 500.1239(1)(h).
4. Respondent and DIFS conferred for the purpose of resolving this matter.
5. Respondent exercised the right to an opportunity to show compliance pursuant to the Michigan Administrative Procedures Act (APA), MCL 24.201 *et seq.*
6. All parties have complied with the procedural requirements of the APA and the Code.
7. Respondent agrees to cease and desist from operating in a manner that violates the Code.
8. Respondent agrees that to pay to the State of Michigan, through DIFS, administrative and civil fines in the amount of \$5,000.00. Respondent further agrees to pay the fine within 30 days of the invoice date as indicated on the DIFS invoice.
9. Respondent agrees that to pay restitution in the amount of \$105,000.00 to Sonia P. Walton by August 31, 2016.
10. 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.

11. Respondent understands and agrees that this Stipulation to Entry of Order will be presented to the Chief Deputy Director for approval.
12. 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 and Payment of Fines. 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.
13. Respondent agrees that failure to comply with the Order of the Director accepting this settlement by failing to pay the administrative and civil fines and restitution as set forth above shall result in the commencement of an action to suspend (or to continue the suspension of) all licenses held under the Code held by Respondent.
14. Respondent agrees that he will provide proof of payment of restitution to DIFS within 30 days of such payment and no later than September 30, 2016.
15. Respondent agrees that the amount of fines and/or fees and restitution has been negotiated in return for the avoidance of further proceedings and certain promises and conditions, one of which is the timely payment of said fines and/or fees. Should Respondent fail to pay the fines and/or fees and restitution in accordance with the terms of this Stipulation and the Director's Order, Respondent agrees that an action will commence to determine if the Respondent has, in fact, failed to pay, and, if so, Respondent agrees that the fines and/or fees will immediately increase to the maximum amount allowed under the Code, shall be immediately due in full, and Respondent's license(s) shall be revoked.


Joseph Kent Messerly
System ID No. 0085840

9-24-2015
Date

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


Scott Basel (P68335)
DIFS Staff Attorney

9-30-15
Date