

**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. 20-16186
Agency No. 20-042-L**

Petitioner,

v

Kathryn M. Boyer

System ID No. 0694149

Respondent.

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**Issued and entered
on October 28, 2020
by Randall S. Gregg
Senior Deputy Director**

ORDER

I. Background

Kathryn M. Boyer (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 May 29, 2020, consumer complaint filed against her. The complaint alleged that Respondent failed to properly explain the ramifications of enrolling in a Medicare Part D prescription drug program. After an investigation and verification of the information, on July 28, 2020, 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(2) and 1244(1)(a-d) of the Michigan Insurance Code (Code), MCL 500.1239(2) and 500.1244(1)(a-d). Respondent failed to reply to the NOSC.

On September 10, 2020, 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.

II. Findings of Fact and Conclusions of Law

1. Respondent is a licensed nonresident insurance producer, authorized to transact the business of insurance in Michigan, with qualifications in accident and health, and her license is currently active.
2. On June 19, 2020, 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 with DIFS, and to a second email address. The letter requested a written response to a May 29, 2020, consumer complaint filed against Respondent. The complaint alleged that Respondent failed to properly explain the ramifications of enrolling in a Medicare Part D prescription drug program.
3. On July 14, 2020, an NOSC was sent to Respondent at her email address of record and a second email address. No response was received.
 1. On July 29, 2020, DIFS staff mailed the NOSC to Respondent's mailing address of record, which she is required per the Code to keep current with DIFS. No response was received, and the mail was not returned by the United States Postal Service (USPS).
 2. Respondent has failed to respond and none of the previously sent correspondence has been returned to DIFS by the USPS.
 3. As a licensee, Respondent knew or had reason to know that Section 249(a) of the Code, MCL 500.249(a), states that for the purposes of ascertaining compliance with the provisions of the insurance laws of the state the Director may initiate proceedings to examine the accounts, records, documents and transactions pertaining to any insurance agent, surplus line agent, general agent, adjuster, public adjuster or counselor.
 4. As a licensee, Respondent knew or had reason to know that Section 1239(2)(e) of the Code, MCL 500.1239(2)(e), states that the director 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 for violating any insurance laws or violating any regulation, subpoena, or order of the Director.
 5. 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.
 6. Respondent has provided justification for sanctions, pursuant to Sections 1239(2)(e) 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). 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.

7. Having made reasonable efforts to serve Respondent and having complied with MCL 500.1238(2), Petitioner now seeks sanctions up to and including REVOCATION of licensure.
8. Respondent is in default and the Petitioner is entitled to have all allegations accepted as true.
9. On October 7, 2020, DIFS staff filed a Motion for Order. Respondent did not file a reply to the motion.
10. DIFS staff has made reasonable efforts to serve Respondent and have complied with MCL 500.1238(2).
11. Respondent has received notice and has been given an opportunity to respond and appear and has not responded nor appeared.

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's license (System ID No. 0694149) is **SUSPENDED** commencing the day immediately following the issuance of this Order. Respondent's license shall only be reinstated if the conditions in Paragraphs 3 and 4 of this Order have been met.
3. Respondent shall pay to the State of Michigan, through DIFS, administrative and civil fines in the amount of \$1,000.00. This fine shall be paid by the due date indicated on the DIFS invoice.
4. Respondent shall respond to the original June 19, 2020, letter of inquiry within 30 days from the date this Order is served.
5. The 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. If the Respondent fails to satisfy the conditions set forth in Paragraphs 3 and 4 within the time required, a Final Decision shall be entered in this matter revoking the Respondent's license.

Anita G. Fox, Director
For the Director:



Randall S. Gregg,
Senior Deputy Director