

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

Before the Director of the Department of Insurance and Financial Services

In the matter of:

KRISTAL MAXINE MILLER
System ID No. 0609891

ENFORCEMENT CASE NO. 13-11848

Respondent.

_____ /

Issued and entered
on June 11, 2014
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 the Department of Insurance and Financial Services (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. At all relevant times, Respondent was a licensed resident producer in the State of Michigan and the Designated Responsible Licensed Producer for Lincoln Park Insurance Agency Inc. (hereinafter Lincoln Park). Respondent has been licensed since May 21, 2012, and her license is currently active.

7. On or about May 31, 2013, the Michigan Office of the Secretary of State (SOS) was presented with certificate number #102128 for which the Michigan Automobile Insurance Placement Facility (MAIPF) neither received an application, nor found that any application had been created in its Electronic Application and Rating System.
8. Lincoln Park's license number and address was listed on the certificate.
9. The Department of Insurance and Financial Services (DIFS), subsequently received a copy of a letter from the Executive Director of the MAIPF, dated August 16, 2013, which indicated that Respondent's appointments with the MAIPF had been cancelled as a result of a "fraudulent use of facility certificates."
10. On August 29, 2013, DIFS' investigator attempted to visit Lincoln Park to review records. Lincoln Park was closed and had a sign on the door referring clients to a Premier Insurance Agency office in Taylor, MI.
11. On September 30, 2013, DIFS' investigator checked the Westlaw database and confirmed that the address on file in the State of Michigan database was the most current address available for Respondent.
12. On October 2, 2013, DIFS' investigator sent an email to the email address on file with DIFS requesting a response by October 7, 2013. No response was received.
13. Respondent has provided justification for sanctions, pursuant to Section 1239(1)(b) of the Code, MCL 500.1239(1)(b), by failing to respond to a DIFS' inquiry pursuant to Section 249(a) of the Code, MCL 500.249(a).
14. Respondent has provided justification for sanctions, pursuant to Section 1239(1)(h) of the Code, MCL 500.1239(1)(h), by using dishonest practices and demonstrating untrustworthiness in the conduct of business by issuing auto insurance certificates to clients without submitting the corresponding applications to the MAIPF.

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

15. Respondent shall cease and desist from operating in a manner that violates the Code.
16. Respondent shall immediately surrender her Michigan nonresident insurance producer license.

17. 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
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:

KRISTAL MAXINE MILLER
System ID No. 0609891

ENFORCEMENT CASE NO. 13-11848

Respondent.

_____ /

STIPULATION TO ENTRY OF ORDER

RECEIVED

APR 30 2014

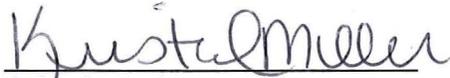
DIFS/OGC

Kristal Maxine Miller (hereinafter Respondent) stipulates to the following:

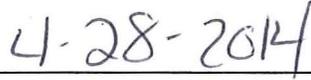
1. On or about February 12, 2014, the Department of Insurance and Financial Services (DIFS) served Respondent with a Notice of Opportunity to Show Compliance (NOSC) alleging that Respondent violated provisions of the Insurance Code of 1956 (Code), MCL 500.100 *et seq.*
2. At all relevant times, Respondent was a licensed resident producer in the State of Michigan and the Designated Responsible Licensed Producer for Lincoln Park Insurance Agency, Inc. (hereinafter Lincoln Park). Respondent has been licensed since May 21, 2012, and her license is currently active.
3. On or about May 31, 2013, the Michigan Office of the Secretary of State (SOS) was presented with certificate number #102128 for which the Michigan Automobile Insurance Placement Facility (MAIPF) neither received an application, nor found that any application had been created in its Electronic Application and Rating System.
4. Lincoln Park's license number and address was listed on the certificate.
5. The Department of Insurance and Financial Services (DIFS) subsequently received a copy of a letter from the Executive Director of the MAIPF, dated August 16, 2013, which indicated that Respondent's appointments with the MAIPF had been cancelled as a result of a "fraudulent use of facility certificates."
6. On August 29, 2013, DIFS' investigator attempted to visit Lincoln Park to review records. Lincoln Park was closed and had a sign on the door referring clients to a Premier Insurance Agency office in Taylor, MI.
7. On September 30, 2013, DIFS' investigator checked the Westlaw database and confirmed that the address in the State of Michigan database was the most current address available for Respondent.

8. On October 2, 2013, DIFS' investigator sent an email to the email address on file with DIFS requesting a response by October 7, 2013. No response was received.
9. Respondent has provided justification for sanctions, pursuant to Section 1239(1)(b) of the Code, MCL 500.1239(1)(b), by failing to respond to a DIFS' inquiry pursuant to Section 249(a) of the Code, MCL 500.249(a).
10. Respondent has provided justification for sanctions, pursuant to Section 1239(1)(h) of the Code, MCL 500.1239(1)(h), by using dishonest practices and demonstrating untrustworthiness in the conduct of business by issuing auto insurance certificates to clients without submitting the corresponding applications to the MAIPF.
11. Respondent waived the right to an opportunity to show compliance pursuant to the Michigan Administrative Procedures Act (APA), MCL 24.201 *et seq.*
12. Respondent and DIFS have conferred for the purpose of resolving this matter.
13. All parties have complied with the procedural requirements of the APA and the Code.
14. Respondent admits to the allegations cited in the NOSC.
15. Respondent agrees that she will cease and desist from operating in a manner that violates the Code.
16. Respondent agrees to immediately voluntarily surrender her Michigan resident insurance producer license.
17. Respondent affirms that her license is no longer in her possession, and as such, cannot be returned. Should she find it at a later date, she agrees to immediately destroy it.
18. Respondent understands and agrees that this Stipulation to Entry of Order will be presented to the Chief Deputy Director for approval.
19. 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 her decision after such hearing.

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.



Kristal Maxine Miller
System ID No. 0609891

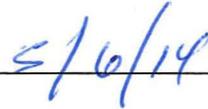


Date

DIFS' staff approve this Stipulation and recommend that the Chief Deputy Director issue the above Consent Order.



Conrad L. Tatnall (PP69785)
DIFS Staff Attorney



Date