

STATE OF MICHIGAN
DEPARTMENT OF INSURANCE AND FINANCIAL SERVICES
Before the Director of the Department of Insurance and Financial Services

In the matter of:

Denise Leos (unlicensed),

Enforcement Case No. 19-15492

Respondent.

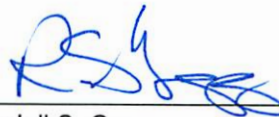
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Issued and entered
on AUGUST 9, 2019
by Randall S. Gregg
Senior Deputy Director

FINAL ORDER TO CEASE AND DESIST

1. On March 6, 2019 the Chief Deputy Director issued an Order to Cease and Desist (Order) pursuant to Section 251 of the Michigan Insurance Code (Code), MCL 500.251, against Respondent, Denise Leos. A copy of the Order is attached to this Final Order to Cease Desist.
2. The Order contained allegations that Respondent violated Section 1201a(1) of the Code, MCL 500.1201a(1), by acting as an insurance producer without a license.
3. Respondent timely requested a hearing before the Michigan Office of Administrative Hearings and Rules; however, she subsequently withdrew the request for hearing.
4. Based on the withdrawal of the request for hearing, the Order is **FINAL** and its attached Statement of Findings is accepted as true and adopted in full.

By _____



Randall S. Gregg
Senior Deputy Director
Department of Insurance and Financial Services

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Issued and entered
on March 6, 2019
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 Findings, and

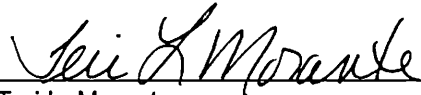
WHEREAS, the Director of the Department of Insurance and Financial Services finds that immediate action is necessary and appropriate in the public interest for the protection of the public health, safety, and welfare, and consistent with the purposes fairly intended by public policy and provisions of 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 and shall be effective upon the date of service.
3. Respondent has 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: Valerie Donally, Hearings Coordinator, 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.
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.

Dated: Mar. 6, 2019



Teri L. Morante
Chief Deputy Director

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DEPARTMENT OF INSURANCE AND FINANCIAL SERVICES**

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Respondent.

STATEMENT OF FINDINGS

1. Pursuant to Section 251(1) of the Code, MCL 500.251(1), the Director of the Department of Insurance and Financial Services (DIFS) 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).

2. Under Section 1201a(1) of the Code, MCL 500.1201a(1), it is a violation for a person to sell, solicit, or negotiate insurance without first obtaining a license.
 - a. "Negotiate" means the act of conferring directly with or offering advice directly to a purchaser or prospective purchaser of a particular contract of insurance concerning any of the substantive benefits, terms, or conditions of the contract, provided that the person engaged in that act either sells insurance or obtains insurance from insurers for purchasers. MCL 500.1201(k).
 - b. "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).
 - c. "Solicit" means attempting to sell insurance or asking or urging a person to apply for a particular kind of insurance from a particular company. MCL 500.1201(m).

3. DIFS Staff received information about possible unlicensed activity by the Respondent. A review of DIFS' records revealed that Respondent is not licensed under the Code.
4. After an investigation, DIFS concluded that Respondent engaged in the unlicensed practice of insurance while employed by licensed agency producer Detroit Insurance and Services, LLC (System ID No. 0097730). Specifically, Leos solicited, negotiated, and sold a workers' compensation insurance policy to customer JCL on or about August 21, 2018.
5. Pursuant to Section 1244(1) of the Code, MCL 500.1244(1), after an opportunity for a hearing held in accordance with the administrative procedures act of 1969, MCL 24.201 *et seq.*, the Director may issue an order requiring a person to cease and desist from violating Chapter 12 of the Code. The Director may also order a civil fine of \$500.00 per violation of Chapter 12; however, a \$2500.00 fine per violation may be ordered if the person knew or should have known that he/she was in violation of Chapter 12. The total fine amount may not exceed \$25,000.00.
6. Respondent violated Section 1201a(1) of the Code by soliciting, negotiating, and selling an insurance policy to customer JCL and is thus subject to the penalty provisions of Section 1244(1) of the Code.
7. Based on the aforementioned findings, Respondent is acting as an insurance producer without a license as required by the Code.