

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. 14-12139
Agency No. 14-033-L

Petitioner,

v

Louise Plewa

System ID No. 0504813

Respondent.

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Issued and entered
on November 24th 2014
by Randall S. Gregg
Deputy Director

FINAL DECISION

I. Background

Louise Plewa (hereinafter Respondent) is a licensed resident insurance producer. The Department of Insurance and Financial Services (DIFS) received information that Respondent was convicted of six felonies for stealing, taking or removing a financial transaction device. After investigation and verification of the information, on July 22, 2014, 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 the Michigan Insurance Code (Code). Respondent failed to reply to the NOSC.

On October 1, 2014, DIFS issued an Administrative Complaint and Order for Hearing which was served upon Respondent. 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 take any of these actions.

On November 3, 2014, DIFS Staff filed a Motion for Final Decision. Respondent did not file a reply to the motion. Given Respondent's failure to respond, Petitioner's motion is granted. The Administrative Complaint, being unchallenged, is accepted as true. Based upon the

Administrative Complaint, the Director makes the following Findings of Fact and Conclusions of Law.

II. Findings of Fact and Conclusions of Law

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 (Director).
2. On or about February 14, 2014, Respondent pled guilty in the 6th Judicial Circuit Court in Oakland County to six counts of stealing, taking or removing a financial transaction device, a felony, in violation of MCL 750.157n(1).
3. Stealing, taking or removing a financial transaction device includes, as a required element, that a person commit an act of dishonesty or untrustworthiness, specifically: "A person who steals knowingly takes, or knowingly removes a financial transaction device from the person or possession of a deviceholder, or who knowingly retains, knowingly possesses, knowingly secretes, or knowingly uses a financial transaction device without the consent of the deviceholder, is guilty of a felony."
4. "Stealing," "taking," "removing," and "without consent" are all practices that are dishonest or demonstrate untrustworthiness.
5. As a licensed insurance producer, Respondent knew or had reason to know that Section 1239 of the Code, MCL 500.1239, provides in part:
 - (1) In addition to any other powers under this act, the commissioner 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, and the commissioner shall refuse to issue a license under section 1205 or 1206a, for any 1 or more of the following causes:
 - (f) Having been convicted of a felony.
 - (h) Using fraudulent, coercive, or dishonest practices or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this state or elsewhere.
6. As a licensee, Respondent also knew or had reason to know that Section 1247(2) of the Code, MCL 500.1247(2), provides that within 30 days after the initial pretrial hearing date, an insurance producer shall report to the Director any criminal prosecution of the insurance producer taken in any jurisdiction. The report shall include a copy of the initial

complaint filed, the order resulting from the hearing, and any other relevant legal documents.

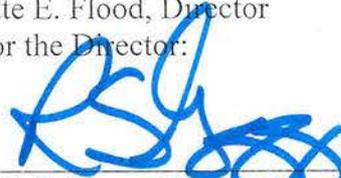
7. Respondent failed to report her criminal proceedings and convictions to DIFS as required by the Code. MCL 500.1247(2).
8. Respondent has provided justification for discipline by having been convicted of six felonies for stealing, taking or removing a financial transaction device, demonstrating conduct that is dishonest and untrustworthy and by failing to report her criminal proceedings and convictions to DIFS.
9. DIFS Staff has made reasonable efforts to serve Respondent and has complied with MCL 500.1238(2) and R 500.2107(4).
10. Respondent has received notice and has been given an opportunity to respond and appear and has not responded or appeared.
11. Respondent is in default and the Petitioner is entitled to have all allegations accepted as true.

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 shall immediately cease and desist from engaging in the business of insurance.
3. Respondent has violated MCL 500.1247(2) and has provided grounds for adverse license action pursuant to MCL 500.1239(1)(f) and (h). Pursuant to MCL 500.1244(1)(d), Respondent's resident insurance producer license (System ID No. 0504813) is **REVOKED**.

Annette E. Flood, Director
For the Director:



Randall S. Gregg, Deputy Director