

STATE OF MICHIGAN
DEPARTMENT OF INSURANCE AND FINANCIAL SERVICES

Before the Director of the Department of Insurance and Financial Services

In the matter of:

MG Income Tax & Multiservicios Corp.
(a Michigan corporation)

Enforcement Case No. 16-12926

Respondent.

_____ /

Issued and entered
on March 10, 2016
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 Finding, 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(s). As to any Respondent, this Order shall be effective upon the date of service.
3. Respondent will have 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 Clerk, 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: March 10, 2016



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:

**MG Income Tax & Multiservicios Corp.
(a Michigan corporation)**

Enforcement Case No. 16-12926

Respondent.

_____ /

STATEMENT OF FINDINGS

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 have been transferred to the Director of the Department of Insurance and Financial Services (DIFS).
2. Pursuant to Section 251(1) of the Code, MCL 500.251(1), the Director 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).
3. Under Section 1201a of the Code, it is a violation for a person to sell, solicit, or negotiate insurance in this state for any line of insurance without first obtaining a license or qualification for that line. MCL 500.1201a(1).
 - 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).
 - d. “Person” means an individual, insurer, company, association, organization, Lloyds, society, reciprocal or inter-insurance exchange, partnership, syndicate, business trust, corporation, and any other legal entity. MCL 500.114.
4. Respondent MG Income Tax & Multiservicios Corp. (MGM) is a Michigan corporation with its principal place of business located at 1006 Springwells, Detroit, MI 48209. MGM also has a second location operating at 1636 N. Perry St., Pontiac, MI 48340. Miguel Garza (Garza) is the sole shareholder and president of MGM.
 5. Although MGM was established to offer income tax, notary and translation services, DIFS has information that MGM is also soliciting, selling and negotiating auto insurance at its Pontiac and Detroit locations.
 6. According to DIFS records, MGM is not licensed to sell, solicit or negotiate insurance in the state of Michigan.
 7. DIFS’ investigation revealed that MGM posted to Facebook job announcements and open job interview dates seeking insurance agents for MGM.
 8. In October 2014, Garza hired Vanessa Munoz (Munoz) to sell insurance at MGM’s Pontiac location. For two weeks, Munoz was trained to sell insurance at Fiesta Insurance Agency located at 7938 Vernor Hwy., Detroit, MI. Garza also owns the Fiesta branch located at Vernor Hwy. After Munoz completed her training, she began selling auto insurance policies at MGM in addition to working as a translator and notary. Munoz is not licensed to sell insurance nor is she authorized to notarize documents.
 9. DIFS’ investigation also revealed that MGM business cards were being passed out to generate insurance business. The card informed customers that they were able to purchase auto insurance with a valid or expired license. In Spanish the business card says, “[a]seguramos a TODOS.” In English, MGM is advertising, “We insure ALL.” The customer is offered the choice of visiting MGM’s Pontiac or Detroit locations. MGM is holding itself out to the public as a business being lawfully able to sell, solicit and negotiate auto insurance.
 10. After investigation, DIFS’ staff concluded that Respondent has engaged in activities regulated by the Code, without the requisite license, and has violated the insurance laws of this state.
 11. MGM is holding itself out to the public as being able to lawfully sell, solicit and negotiate automobile insurance policies. MGM advertises that it sells automobile insurance policies at its Pontiac and Detroit locations, and hires unlicensed individuals to work at those

locations to sell and solicit auto insurance to the public in violation of Section 1201a(1) of the Code, MCL 500.1201a(1). The Code requires proper licensure to sell and solicit automobile insurance policies, accept premium in exchange for certificates of insurance and bind insurance coverages.

12. Based on the aforementioned findings, Respondent is acting as an insurance producer, solicitor, adjuster, or counselor without a license as required by the Code.