

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

Before the Director of the Department of Insurance and Financial Services

In the matter of:

SAMIER S. MISHKOOR
System ID No. 265571

Enforcement Case No. 15-12470

AFFORDABLE INSURANCE AGENCY III, INC.
System ID No. 0070529

Respondents.

_____ /

Issued and entered
on August 26, 2015
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 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. Samier Mishkoor (Mishkoor) System ID No. 265571, is a licensed resident producer in Michigan with qualifications in property and casualty and authorized to transact the business of insurance in Michigan.

7. Affordable Insurance Agency III, Inc. (Affordable Insurance), System ID No. 0070529, is a licensed insurance agency with qualifications in property and casualty. Its principal place of business is 37053 S. Gratiot, Clinton Township, Michigan 48036. Its designated responsible licensed producer (DRLP) and president is Mishkooor.
8. Section 1239(1) of the Code, MCL 500.1239(1), provides that the Director may levy a civil fine under section 1244 against an insurance producer for:
 - (h) Using fraudulent, coercive, or dishonest practices or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this state or elsewhere.
9. A DIFS investigation revealed that between September 2014 and January 2015 an insurance producer working at Affordable Insurance sold fraudulent certificates of insurance to TR.
10. Respondent Mishkooor has provided justification for licensing sanctions in accordance with Section 1239(1)(h), MCL 500.1239(1)(h), by demonstrating incompetence in the conduct of business by failing to properly supervise an insurance producer in his employment and to ensure that the premium money received on behalf of the agency was used for the purchase of insurance.
11. Respondent Affordable Insurance has provided justification for licensing sanctions in accordance with Sections 1205(2)(b) and 1239(3), MCL 500.1205(2)(b) and MCL 500.1239(3), when Mishkooor, the owner, president and DRLP of Affordable Insurance, knew or should have known he was demonstrating incompetence in the conduct of business by failing to properly supervise the insurance producer in his employment and to ensure that the premium money received on behalf of the agency was being used for the purchase of insurance, and the violations were neither corrected nor reported to the Director.
12. Based upon the actions listed above, Respondents have committed acts that provide justification for the Director to order the payment of a civil fine and restitution in accordance with MCL 500.1239(1)(h) and MCL 500.1244(1)(a) and (c).

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

13. Respondents shall pay restitution to the individual as identified in the Stipulation to Entry of Order.
14. Respondent Samier Mishkooor shall pay a civil penalty in the amount of \$2,500 to the State of Michigan.
15. Respondent Affordable Insurance shall pay a civil penalty in the amount of \$2,500 to the State of Michigan.

16. 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
Chief Deputy Director

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STIPULATION TO ENTRY OF ORDER AND
AGREEMENT TO PAY FINES AND RESTITUTION

SAMIER S. MISHKOOR (Mishkooor) and Affordable Insurance Agency III, Inc., (Affordable Insurance) stipulate to the following:

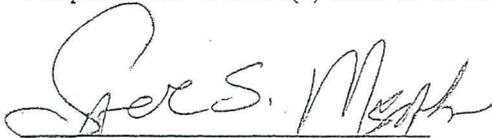
1. At all pertinent times, Respondent Mishkooor was licensed with DIFS as a resident producer pursuant to the Code.
2. At all pertinent times, Respondent Affordable Insurance was licensed with DIFS as a resident insurance producer agency pursuant to the Code.
3. On or about April 20, 2015, the Department of Insurance and Financial Services (DIFS) served Respondents with an Order of Summary Suspension, Notice of Opportunity for Hearing, and Notice of Intent to Revoke (OSS) alleging that Respondents violated provisions of the Insurance Code of 1956 (Code), MCL 500.100 *et seq.*
4. Specifically, the OSS contained allegations that Respondents violated Section 1207(1) of the Code, MCL 500.1207(1), Section 1207(2) of the Code, MCL 500.1207(2), Section 1239(1)(d) of the Code, MCL 500.1239(1)(d), Section 1239(1)(e) of the Code, MCL 500.1239(1)(e), Section 1239(1)(h) of the Code, MCL 1239(1)(h), and Section 1239(3) of the Code, MCL 500.1239(3), when Respondents failed to properly supervise an employee of Affordable Insurance and ensure that premium money collected by the employee was remitted to insurers.

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5. Respondents exercised the right to an opportunity to show compliance pursuant to the Michigan Administrative Procedures Act (APA), MCL 24.201 *et seq.*
6. Respondents and DIFS conferred for the purpose of resolving this matter.
7. Respondents agree that all parties have complied with the procedural requirements of the APA and the Code.
8. Respondents have 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.
9. Respondents agree that they will cease and desist from operating in a manner that violates the Code.
10. Respondents agree that they will pay to the state of Michigan, through DIFS, combined administrative and civil fines in the amount of \$5,000. Respondents further agree to pay the fines within 30 days of the invoice date as indicated on the DIFS invoice.
11. Respondents agree that they will pay restitution by certified check or money order to:
 - a. [REDACTED] at [REDACTED] in the amount of \$1,440 (one thousand four-hundred and forty dollars).
 - b. Respondents further agree to pay the restitution within 14 days of the date the Order Accepting Stipulation is issued and entered.
12. Respondents understand and agree that this Stipulation to Entry of Order will be presented to the Chief Deputy Director for approval.
13. Respondents understand and agree that 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, Respondents waive the right to a hearing in this matter and consent to the entry of the Order Accepting Stipulation and Agreement to Pay Fines and Restitution. If the Chief Deputy Director does not accept the Stipulation to Entry of Order, Respondents waive any objection to the Director holding a formal administrative hearing and making a decision after such hearing.
14. Respondents agree that failure to comply with the Order of the Director accepting this settlement by failing to pay the administrative and civil fines as set forth above shall result in the commencement of an action to suspend (or to continue the suspension of) all licenses held under the Code held by Respondents.

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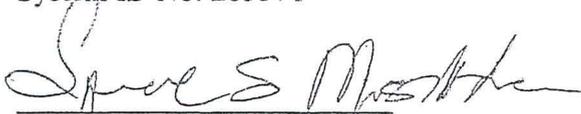
15. Respondents further agree that the amount of fines and/or fees has been negotiated in return for the avoidance of further proceedings and certain promises and conditions, one of which is the timely payment of said fines and/or fees. Should Respondents fail to pay the fines and/or fees in accordance with the terms of this Stipulation and the Director's Order, the Respondents agree that an action will commence to determine if the Respondents have, in fact, failed to pay, and, if so, Respondents agree that the fines and/or fees will immediately increase to the maximum amount allowed under the Code, shall be immediately due in full, and Respondents' license(s) shall be revoke.



SAMIER S. MISHKOOR
System ID No. 265571

8-18-15

Date

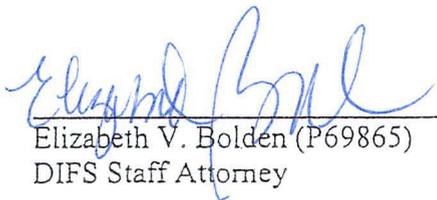


SAMIER S. MISHKOOR
For Affordable Insurance Agency III, Inc.
System ID No. 0070529

8-18-15

Date

DIFS Staff approve this Stipulation and recommend that the Chief Deputy Director accept it and issue an Order Accepting Stipulation.


Elizabeth V. Bolden (P69865)
DIFS Staff Attorney

8/19/2015

Date