

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

Before the Director of the Department of Insurance and Financial Services

In the matter of:

Todd Bendler
System ID No. 0649222

Enforcement Case No. 20-15942
Agency No. 20-040-L

Respondent.

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**Issued and entered
on December 22, 2020
by Randall S. Gregg
Senior Deputy Director**

FINAL DECISION

I. Background

Todd Bendler (Respondent) is an active licensed resident insurance producer in the state of Michigan with a qualification in limited lines P & C. Respondent has been licensed since July 19, 2013. After the Department of Insurance and Financial Services (DIFS) received information that Respondent had engaged in criminal activity, it opened an investigation and verified the information.

DIFS subsequently issued a Notice of Opportunity to Show Compliance (NOSC) on March 13, 2020. The NOSC was sent by first-class mail to Respondent at his two addresses on file with DIFS. In addition, DIFS also mailed the NOSC to an address discovered during its investigation. Respondent did not reply to the NOSC.

Executive Order 2020-21, effective March 24, 2020, required Michigan residents to shelter in place until April 13, 2020; it was subsequently extended by several executive orders through the end of May. Executive Order 2020-42, Executive Order 2020-59, Executive Order 2020-67, Executive Order 2020-68, Executive Order 2020-69, Executive Order 2020-70, Executive Order 2020-77, Executive Order 2020-92, and Executive Order 2020-96.

The shelter in place order was lifted effective June 4, 2020, by Executive Order 2020-110. In light of these Executive Orders, DIFS provided over four additional months for Respondent to receive and respond to the NOSC. Notwithstanding this additional time, no response was received nor was any of the mail returned.

On September 2, 2020, DIFS issued an Administrative Complaint and Order for Hearing which was served upon Respondent at the address he is required to maintain with DIFS. 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. DIFS did not receive a reply to the Administrative Complaint.

On October 13, 2020, DIFS 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. On or about May 20, 2019, the Department of Insurance and Financial Services (DIFS) received a consumer complaint alleging that Respondent stole and/or otherwise converted \$2,194.25 from You Call Bail Bond Agency and/or You Walk Bail Bonds (Agency), and had been ordered by the 41-B District Court to make restitution.
2. On or around December 28, 2019, it was reported to the Macomb County Sheriff's Office that Respondent failed to turn over a total of \$2,194.25 to the Agency.
3. Following criminal charges, Respondent subsequently accepted a no contest plea to disorderly person, MCL 750.167, which he failed to report to DIFS.
4. Pursuant to a court order, Respondent made restitution of \$2,194.25.
5. During the course of its investigation, DIFS investigators attempted to communicate with Respondent on several occasions via mail, e-mail and telephone. Respondent did not reply to any of these attempted communications.
6. As a licensee, Respondent knew or had reason to know that MCL 500.249 requires that licensees respond to inquiries from DIFS staff.
7. Respondent violated MCL 500.249 by failing to respond to DIFS' multiple e-mails, phone calls, and mail inquiries.
8. As a licensee, Respondent knew or had reason to know that MCL 500.1206(5) requires him to inform DIFS of any change of address within 30 days of the change.
9. Respondent violated MCL 500.1206(5) because he failed to report to DIFS that his address had changed, as indicated by the mail returned by the United States Postal Service (USPS).
10. As a licensee, Respondent knew or had reason to know that MCL 500.1207(1) requires him to act as a fiduciary for all money received or held in his capacity as an agent, timely remitting any such money to the rightful owner.
11. Respondent violated MCL 500.1207(1) by receiving money for his employer in a fiduciary capacity but failing to turn it over.
12. As a licensee, Respondent knew or had reason to know that MCL 500.1238(1) requires him to notify DIFS of any change in his mailing or e-mail address within 30 days after the change.

13. Respondent violated MCL 500.1238(1) by failing to notify DIFS of the changes to his mailing and e-mail addresses, as indicated by the mail returned by the USPS and his failure to respond to the investigator's e-mails.
14. As a licensee, Respondent knew or had reason to know that MCL 500.1247(2) requires him to notify DIFS of any criminal prosecution in any jurisdiction within 30 days of the initial pretrial hearing.
15. Respondent violated MCL 500.1247(2) by failing to notify DIFS of his criminal prosecution.
16. As a licensee, Respondent knew or had reason to know that MCL 500.1239(1)(b) provides that he may be sanctioned for improperly withholding, misappropriating, or converting any money or property received in the course of doing insurance business.
17. As set forth above, Respondent improperly withheld money in the course of doing insurance business by accepting money on behalf of and failing to remit it to his employer, providing justification for sanctions pursuant to MCL 500.1239(1)(b).
18. As a licensee, Respondent knew or had reason to know that MCL 500.1239(1)(g) provides that he may be sanctioned for "[u]sing fraudulent, coercive, or dishonest practices or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this state or elsewhere.
19. Respondent violated MCL 500.1239(1)(g) by accepting money on behalf of and failing to remit it to his employer, thereby demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this state, providing justification for sanctions under MCL 500.1239(1)(g).
20. As a licensee, Respondent knew or had reason to know that MCL 500.1239(2)(e) provides that he may be sanctioned for violating any insurance laws, regulations, or administrative rules.
21. As set forth above, by violating MCL 500.249, MCL 500.1206(5), MCL 500.1207(1), MCL 500.1238(1), and MCL 500.1247(2), Respondent has provided justification for sanctions under MCL 500.1239(2)(e).
22. Based upon the actions listed above, Respondent has committed acts that provide justification for the Director to order that he cease and desist his unlawful actions and impose sanctions pursuant to MCL 500.150(1), MCL 500.1239(1)(b), (g) and (2)(e), and MCL 500.1244(1)(a)-(d), including the payment of a civil fine, restitution to cover any losses, damages or other harm attributed to Respondent's violation or violations of the Code, and/or other sanctions, including limitation, revocation, or suspension of Respondent's license.
23. DIFS staff has made reasonable efforts to serve Respondent and has complied with MCL 500.1238(2).

24. Respondent was sent notice and has been given an opportunity to respond and appear, he has not responded or appeared.
25. 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. Pursuant to MCL 500.150(1)(b), MCL 500.1239(1)(b), (g), and (2)(e), and MCL 500.1244(1)(d), Respondent's resident insurance producer license (System ID No. 0649222) is **REVOKED**.

Anita G. Fox, Director
For the Director:



Randall S. Gregg
Senior Deputy Director