

STATE OF MICHIGAN  
DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH  
OFFICE OF FINANCIAL AND INSURANCE REGULATION

Before the Commissioner of Financial and Insurance Regulation

In the matter of:

**Office of Financial and Insurance Regulation**

**Enforcement Case No. 09-7480**

Petitioner

v

**David Brant Jewell**  
System ID No. 0045571

Respondent

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**CONSENT ORDER AND STIPULATION**

Issued and entered  
on 12/27, 2010  
by Stephen R. Hilker  
Chief Deputy Commissioner

**I.**

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. At all times pertinent to the matter herein, David Brant Jewell (Respondent) was a licensed resident producer authorized to transact the business of insurance in this state.
2. As a licensed insurance producer, Respondent knew or had reason to know that Section 249(a) of the Insurance Code (Code), MCL 500.249(a) states:

For the purposes of ascertaining compliance with the provisions of the insurance laws of the state or of ascertaining the business condition and practices of an insurer or proposed insurer, the commissioner, as often as he deems advisable, may initiate proceedings to examine the accounts, records, documents and transactions pertaining to:

- (a) Any insurance agent, surplus line agent, general agent, adjuster, public adjuster or counselor.

3. As a licensed insurance producer, Respondent knew or had reason to know that Section 1238(1) of the Code, MCL 500.1238(1), states:

When applying for a license to act as an agent, solicitor, counselor, or adjuster, each applicant shall report his or her mailing address to the commissioner. An agent, solicitor, counselor, or adjuster shall notify the commissioner of any change in his or her mailing address within 30 days of such change. A fee of \$3.00 shall accompany each change of address to cover costs of recording such change. A fee collected under this subsection shall be turned over to the state treasurer and credited to the general fund of the state. The commissioner shall maintain the mailing address of each agent, solicitor, counselor, or adjuster on file.

4. As a licensed insurance producer, Respondent knew or had reason to know that Section 150(1) of the Code, MCL 500.150(1), states:

Any person who violates any provision of this act for which a specific penalty is not provided under any other provision of this act or of other laws applicable to the violation shall be afforded an opportunity for a hearing before the commissioner pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws. If the commissioner finds that a violation has occurred, the commissioner shall reduce the findings and decision to writing and shall issue and cause to be served upon the person charged with the violation a copy of the findings and an order requiring the person to cease and desist from the violation. In addition, the commissioner may order any of the following:

- (a) Payment of a civil fine of not more than \$500.00 for each violation. However, if the person knew or reasonably should have known that he or she was in violation of this act, the commissioner may order the payment of a civil fine of not more than \$2,500.00 for each violation. . . . An order of the commissioner under this subdivision shall not require the payment of civil fines exceeding \$25,000.00. . . .

- (b) The suspension, limitation, or revocation of the person's license or certificate of authority.
5. Respondent has failed to uphold the standards as described below.

### COUNT I

#### ALLEGED VIOLATIONS:

1. On April 1, 2009, Ms. B. filed a complaint with the Office of Financial and Insurance Regulation (OFIR) stating the following:

I never intended to relinquish ownership. I never intended to have the [REDACTED] Foundation to have Ownership. I was missled[sic] and missinformed[sic] by this agent and insurance company.

2. On May 7, 2009, the Consumer Services Section of OFIR made a written inquiry to Respondent. However, no response was received.
3. On August 10, 2009, the Consumer Services Section sent the Respondent a Notice of Failure to Respond and request for an immediate response to their prior inquiry. However, no response was received.
4. On September 25, 2009, the Consumer Services Section sent the Respondent a proposed settlement agreement via certified mail. However, no response was received.
5. On October 8, 2009, the Consumer Services Section again sent the Respondent the proposed settlement agreement via certified mail. However, no response was received.
6. By failing to promptly respond to an OFIR inquiry, Respondent violated MCL 500.249(a).

### COUNT II

#### ALLEGED VIOLATIONS:

1. On March 22, 2010, an address search of the Secretary of State (SOS) database was requested by the Office of General Counsel (OGC). The search discovered the following new mailing address for Respondent:

David Brant Jewell

2. Respondent did not notify the Commissioner of his new address as required by the Michigan Insurance Code (Code), MCL 500.100 *et seq.*
3. By failing to notify the Commissioner of his new mailing address, Respondent violated MCL 500.1238(1) of the Code.

## II. ORDER

Based upon the Findings of Fact and Conclusions of Law above and Respondent's stipulation, the Commissioner **ORDERS** that:

1. Respondent shall CEASE and DESIST from violating MCL 500.249(a), MCL 500.1247, and MCL 500.2005a.
2. Forthwith, Respondent shall update his address via the Producer Address Change Request (PACR) at the National Insurance Producer Registry (NIPR) website, and answer the May 7, 2009 inquiry made by the Consumer Services Section of the OFIR.
3. Respondent agrees that he will pay to the State of Michigan, through OFIR, administrative fines in the amount of \$250.00. Respondent further agrees to pay the fines within 30 days of the invoice date as indicated on the OFIR invoice.

**IT IS SO ORDERED**

Dated: 12/29/10

  
Stephen R. Hilker  
Chief Deputy Commissioner

## III. STIPULATION

Respondent has read and understands the Consent Order above. Respondent agrees that the Chief Deputy Commissioner has jurisdiction and authority to issue this Consent Order pursuant to the Michigan Insurance Code. Respondent waives the right to a hearing in this matter if this Consent Order is issued. Respondent understands that the Consent Order and Stipulation will be presented to the Chief Deputy Commissioner for approval and the Chief Deputy Commissioner may or may not issue this Consent Order. Respondent waives any objection to the Commissioner deciding this case following a hearing in the event the

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Consent Order is not executed. Respondent admits to the Findings of Fact and Conclusions of Law set forth in the above Consent Order, and agrees to the entry of the Consent Order.

Dated: NOV 24, 2010

David B Jewell  
David Brent Jewell

The Office of Financial and Insurance Regulation staff approves this stipulation and recommends that the Chief Deputy Commissioner issue the above Consent Order.

Dated: 12/8/10

Conrad L. Tamm  
Conrad L. Tamm  
Staff Attorney