STATE OF MICHIGAN
DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH
OFFICE OF FINANCIAL AND INSURANCE REGULATION
Before the Commissioner of the Office of Financial and Insurance Regulation

In the Matter of:

Katie Heyer **Enforcement Case No. 10-11126**

Respondent
_____/

Issued and entered
On January 19th, 2011
by Stephen R. Hilker
Chief Deputy Commissioner

ORDER TO CEASE AND DESIST

The Office of Financial and Insurance Regulation (OFIR) of the Michigan Department of Labor & Economic Growth, pursuant to the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCL 24.201 *et seq.*, the Michigan Insurance Code (Code), 1956 PA 218, as amended; MCL 500.100 *et seq.*, and the rules promulgated under the Code, says that:

I
BACKGROUND

1. At all times pertinent to the matter herein, Katie Heyer (Respondent) was an employee and/or agent of Action Immigration Bonds & Insurance Services, Inc. (Action), a duly organized business entity in the State of Florida with a registered mailing address of 1133 SE 3rd Ave., Ft. Lauderdale, Florida 33316.

2. At all times pertinent to the matter herein, Respondent had a contact address of [redacted]

3. At all times pertinent to the matter herein, Respondent was not licensed by OFIR as an insurance producer authorized to conduct the business of insurance in the State of Michigan.

4. At all times pertinent to the matter herein, Respondent was not registered with OFIR as an appointed agent of Bankers Insurance Company (Bankers).

5. Respondent knew or had reason to know that Section 120 of the Code, MCL 500.120, states, "[n]o person shall transact an insurance or surety business in Michigan, or relative to a subject resident, located, or to be performed in Michigan, without complying with the applicable provisions of this code."

6. Respondent knew or had reason to know that Section 1201a(1) of the Code, MCL 500.1201a(1), states, "A person shall not sell, solicit, or negotiate insurance in this state for any line of insurance unless the person is licensed for that qualification in accordance with this chapter."

7. Respondent knew or had reason to know that Section 1208a(1) of the Code, MCL 500.1208a(1), provides that, "An insurance producer shall not act as an agent of an insurer unless the insurance producer becomes an appointed agent of that insurer."

8. OFIR has received information which indicates that Respondent is conducting transactions of insurance for which a license is required by the Commissioner, without having obtained a license. Specifically, Respondent has engaged in the act or practice of selling, soliciting or negotiating surety bonds relative to a resident of the State of Michigan.

9. During its investigation of a complaint regarding Action's business practices, OFIR found that on May 12, 2008, Respondent write and/or issued a bail bond on behalf of Bankers for [redacted] in the amount of $20,000, an immigrant detained in the State of Michigan by ICE. The indemnitors on the aforementioned bond are [redacted] all of whom are Michigan residents.

10. On June 9, 2008, Respondent wrote and/or issued a bail bond on behalf of Bankers for [redacted] in the amount of $50,000, an immigrant detained in the State of Michigan by ICE. The indemnitor on the aforementioned bond is [redacted] a Michigan resident.

11. On November 13, 2009, Respondent wrote and/or issued a bail bond on behalf of Bankers for [redacted] in the amount of $5,000, an immigrant detained in the State of Michigan by ICE. The indemnitor on the aforementioned bond is [redacted] a Michigan resident.

12. On November 17, 2009, Respondent wrote and/or issued a bail bond on behalf of Bankers for [redacted] in the amount of $5,000, an immigrant detained in the State of Michigan by ICE. The indemnitor on the aforementioned bond is [redacted] a Michigan resident.

13. On November 21, 2009, Respondent wrote and/or issued a bail bond on behalf of Bankers for [redacted] in the amount of $5,000, an immigrant detained in the State of Michigan by ICE. The indemnitors on the aforementioned bond is [redacted] and [redacted], both of whom were Michigan residents.

14. Based on the foregoing, Respondent is involved in the issuing and/or writing surety bonds in the State of Michigan without a license, in violation of MCL 500.120, MCL 500.1201a(1), MCL 500. 1208a(1), and MCL 500.1239(1).

II
CONCLUSIONS OF LAW

WHEREAS, Section 251 of the Code, MCL 500.251, states that in the reasonable exercise of discretion, the Commissioner may issue a cease and desist order if the Commissioner 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; and

WHEREAS, Respondent is transacting insurance or surety business in Michigan, or relative to a subject resident, located, or to be performed in Michigan, without complying with the applicable provisions of the Code pursuant MCL 500.120; and

WHEREAS, the Commissioner finds that a person must be licensed pursuant to Section 1201a of the Code, MCL 500.1201a, in order to act as an insurance producer; and

WHEREAS, the Commissioner finds that a person must be registered as an appointed agent of an insurer in order to act as an agent of that insurer, pursuant to Section 1208a(1), MCL 500.1208a(1); and

WHEREAS, the records of OFIR disclose that Respondent is not licensed under the Code in order to act as an insurance producer in the State of Michigan; and

WHEREAS, the records of OFIR disclose that Respondent is not appointed by Bankers pursuant to Section 1208a of the Code in order to act as an agent of Bankers; and

WHEREAS, OFIR's investigation revealed that Respondent conducted a transaction of the business of insurance relative to a subject resident in Michigan;

WHEREAS, based on the foregoing, the Commissioner finds that Respondent is engaged in acts and practices that violate the Code; and

WHEREAS, the Commissioner finds this action necessary and appropriate in the public interest for the protection of the public and consistent with the purposes fairly intended by the policy and provisions of the Code.

THEREFORE, IT IS ORDERED THAT, pursuant to Section 251 of the Code, that Respondent shall immediately **CEASE AND DESIST** from violating Sections 120, 1201a(1), 1239(1), and 1208a(1) of the Code by conducting transactions of insurance relative to a subject resident in the State of Michigan.

A person who violates or otherwise fails to comply with a cease and desist order is subject to a civil fine of not more than $1,000.00 for each violation not to exceed an aggregate civil fine of $30,000.00. However, if the person knew or reasonably should have known the person was in violation of the order, payment of a civil fine of not more than $25,000.00 for each violation not to exceed an aggregate civil fine of $250,000.00. The Commissioner may also recover reasonable attorney fees if judicial action is necessary for enforcement of a cease and desist order under this section.

A person who is the subject of a cease and desist order may contest the order by requesting a hearing before the Commissioner not later than 30 days after the order is delivered or mailed to the person. Within 10 days after receiving the request, the Commissioner shall commence a hearing in accordance with the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969. Pending the hearing, the cease and desist order continues in full force and effect unless the order is stayed by the Commissioner. Any request for a hearing should be addressed to: the Office of Financial and Insurance Regulation, attention: Hearing Coordinator Dawn Kobus, P.O. Box 30220, Lansing, Michigan 48909.

MICHIGAN DEPARTMENT OF ENERGY,
LABOR AND ECONOMIC GROWTH

By: Stephen R. Hilker

Stephen R. Hilker,
Chief Deputy Commissioner
Office of Financial and Insurance Regulation