

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
OFFICE OF FINANCIAL AND INSURANCE REGULATION

Before the Commissioner of the Office of Financial and Insurance Regulation

In the matter of:

Antonio Fluker,

Enforcement Case No. 11-11245

Innovative Realty Group, Inc.,

Respondents.

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Issued and Entered,
On 9-22 2011,
by Annette E. Flood
Chief Deputy Commissioner

ORDER TO CEASE AND DESIST,

The Commissioner of the Office of Financial and Insurance Regulation (“OFIR”), pursuant to his statutory authority and responsibility to administer and enforce the Insurance Code of 1956 (hereinafter “Code”), MCL 500.100 *et seq.*, hereby ORDERS ANTONIO FLUKER (hereinafter “Respondent Fluker”) and INNOVATIVE REALTY GROUP, INC. (hereinafter “Respondent IRG”) to immediately CEASE AND DESIST from violating the Code. Respondent is also notified of an opportunity to request a hearing on this matter.

I. STATEMENTS OF LAW AND FINDINGS OF FACT

1. Section 251(1)(b) of the Code, MCL 500.251(1)(b) empowers the Commissioner to issue a cease and desist order if he finds that “[a] person is acting as an insurance agent, solicitor, adjuster, or counselor without a license as required by this act.”
2. Section 251(1)(c) of the Code, MCL 500.251(1)(c) empowers the Commissioner to issue a cease and desist order if he finds that “[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.”
3. Section 1222 of the Code, MCL 500.1222, provides, in pertinent part, that “a person shall not adjust loss or damage under a policy of insurance nor advertise, solicit business, or hold himself out to the public as an adjuster unless he is licensed as an adjuster.”

4. Section 1226(4) of the Code, MCL 500.1226(4), provides, in pertinent part, that “[a]n adjuster for an insured shall not provide his or her services to a client until the adjuster has contracted in writing, **on a form approved by the commissioner**, with the insured or his or her authorized representative.” (emphasis added).
5. Respondent Fluker does not now and has never held a public adjusters license issued by OFIR.
6. Respondent IRG is not now and has never been registered with OFIR as a public adjusting firm.
7. Respondent IRG was registered as a business entity with the Bureau of Commercial Services. Respondent Fluker was listed as the president of IRG.
8. On or about April 19, 2010, Respondents, either singly or in concert, entered into a public adjusting contract with [REDACTED], to adjust a fire loss at [REDACTED], Flint, MI 48505, in violation of Section 1222 of the Code, MCL 500.1222.
9. By entering into a public adjusting contract with [REDACTED] on April 19, 2010, Respondents have acted as insurance adjusters without the requisite license.
10. The April 19, 2010 contract was not on a form approved by the Commissioner, in violation of Section 1226(4) of the Code, MCL 500.1226(4).
11. By utilizing a contract not approved of by the Commissioner, Respondents engaged in an act, in the business of insurance, for which authority from the Commissioner is required and which authority Respondents did not receive.

II. ORDER

1. It is therefore ORDERED that Respondents immediately CEASE AND DESIST from violating Sections 1222 and 1226(4) of the Code, or engaging in any business activity requiring a license or registration under the Code, without first obtaining the requisite license or registration under the Code.
2. The Commissioner of OFIR specifically retains jurisdiction of the matter contained herein to issue such further order or orders as he may deem just, necessary, or appropriate so as to assure compliance with the law and protect the interest of the public.

III. NOTICE OF OPPORTUNITY FOR HEARING

Section 251(4) of the Code, MCL 500.251(4), provides:

A person who is the subject of a cease and desist order under this section 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, being sections 24.201 to 24.328 of the Michigan Compiled Laws. Pending the hearing, the cease and desist order continues in full force and effect unless the order is stayed by the commissioner.

Should Respondent wish to request a hearing relating to the Commissioner's Order to Cease and Desist, a hearing must be requested in writing within 30 days of the mailing or delivery of this Order. The request for a hearing must be addressed and delivered to:

**Tracy Janousek, Hearings Coordinator
Office of Financial and Insurance Regulation
Ottawa State Office Building, Third Floor
611 West Ottawa Street
Lansing, Michigan 48933**

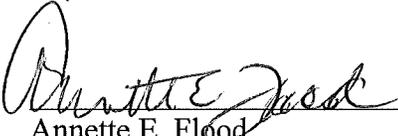
Please be advised that a person who violates or otherwise fails to comply with a cease and desist order is subject to 1 or more of the following:

(a) Payment of 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.

(c) Complete restitution, in the form, amount, and within the period determined by the commissioner, to all persons in this state damaged by the violation or failure to comply.

Please also be advised that any statements made are voluntary and may be used in any proceeding that may be held. If a hearing is requested, Respondent has the right, at Respondent's expense, to legal representation at the hearing. Any other contact with OFIR shall

be directed to: **Conrad L. Tatnall, Office of Financial and Insurance Regulation, 611 West
Ottawa Street, 3rd Floor, Lansing, MI 48933, (517) 373-9915 Office, (517) 373-1224 Fax,
tatnallc@michigan.gov.**


Annette E. Flood
Chief Deputy Commissioner