

STATE OF MICHIGAN
DEPARTMENT 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:

Office of Financial and Insurance Regulation

Enforcement Case No. 11-11228

Petitioner

v

Brittany M. Smith
System ID: 0495595

Respondent

Issued and entered
on July 8th 2011
by Annette E. Flood
Chief Deputy Commissioner

CONSENT ORDER AND STIPULATION

I.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Brittany M. Smith (Respondent) is a licensed non-resident producer with qualifications in casualty and property, and is authorized to transact the business of insurance in this state for the lines in which she holds qualifications.
2. OFIR administers and regulates the Michigan Insurance Code (the "Code"), 1956 PA 218, as amended, MCL 500.100 *et seq.*, and determined that Respondent failed to report criminal proceedings as required by Code.
3. More specifically, on or about January 29, 2009, Respondent was arraigned in Willoughby Municipal Court, Willoughby, Ohio, on the charge of Assault/Physical Harm to Another, Ohio St. Code 2903.13A, a misdemeanor of the 1st degree. Respondent pled *nolo contendere* and a judgment of guilty was entered.
4. As of March 1, 2009, Respondent had not notified OFIR about her arraignment and conviction on the charge of Assault/Physical Harm to Another.

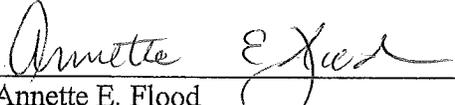
5. Respondent knew or reasonably should have known that Section 1247(2) of the Code, MCL 500.1247(2), provides that “[w]ithin 30 days after the initial pretrial hearing date, an insurance producer shall report to the commissioner any criminal prosecution of the insurance producer taken in any jurisdiction.”
6. Respondent, by failing to report her criminal prosecution for Assault/Physical Harm to Another, as alleged in allegations 8 through 10, violated Section 1247(1) of the Code, MCL 500.1247(1).
7. Based upon the above actions, Respondent has committed acts that are grounds for the Commissioner to impose a civil fine in accordance with Section 1244 of the Code.

**II.
ORDER**

Based on the findings of fact and conclusions of law above and Respondent’s stipulation, it is ORDERED that:

The Respondent shall **PAY** pursuant to Section 1244(1)(a), MCL 500.1244, a civil fine in the amount of \$500 (five hundred dollars) directly to the State of Michigan upon executing this Consent Order.

OFFICE OF FINANCIAL AND
INSURANCE REGULATION



Annette E. Flood
Chief Deputy Commissioner

**III.
STIPULATION**

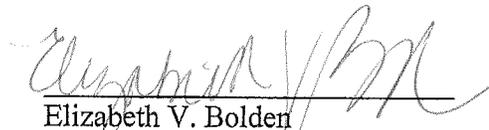
I have read and understand the consent order above. I agree that the Chief Deputy Commissioner has jurisdiction and authority to issue this consent order pursuant to the Insurance Code. I waive the right to a hearing in this matter if this consent order is issued. I understand that this stipulation and consent order will be presented to the Chief Deputy Commissioner for approval and the Chief Deputy Commissioner may or may not issue this consent order. I waive any objection to the Commissioner deciding this case following a hearing in the event the consent order is not approved. I admit the facts set forth in the above consent order and agree to the entry of this order.



Brittany Smith
System ID No. 0495595

Dated: 6/29/11

The OFIR staff approves this stipulation and recommends that the Chief Deputy Commissioner issue the above Consent Order.



Elizabeth V. Bolden
OFIR Staff Attorney

Dated: 7/8/2011