

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
OFFICE OF FINANCIAL AND INSURANCE REGULATION
Before the Commissioner of Financial and Insurance Regulation

**Office of Financial and Insurance Regulation,
Petitioner**

v

**Adam Appell,
Respondent**

Enforcement Case No. 11-11260

For the Petitioner:

**Daniel Feinberg
Office of Financial and Insurance Regulation
P.O. Box 30220
Lansing, MI 48909-7720**

For the Respondent:

Adam Appell


**Issued and entered
this 29th day of June 2011
by R. Kevin Clinton
Commissioner**

FINAL DECISION

I. Background

On April 26, 2011, Chief Deputy Commissioner Stephen R. Hilker issued an Administrative Complaint and Notice of Hearing in this case which was sent to Respondent at the address above. The administrative complaint alleged that Respondent failed to disclose the existence of a criminal conviction on his application for a nonresident insurance producer license. The order for hearing required Respondent to take one of the following actions within 21 days: agree to a resolution of the case, file an answer to the allegations stated in the Order with a statement that Respondent plans to attend the hearing, or request an adjournment. Respondent failed to take any of these actions.

On May 25, 2011, OFIR staff filed a Motion for Final Decision. Respondent did not respond to the motion.

Given Respondent's failure to take one of the actions required by the order for hearing and her failure to answer the motion for final decision, Petitioner's motion is granted.

II. Findings of Fact and Conclusions of Law

1. Respondent Adam Appell applied for a nonresident Michigan insurance producer license in June 2009. On the application, Respondent answered "No" to the following question: "Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime?"
2. Respondent's answer was false because in November 2004 Respondent had been convicted in Iowa of second degree theft and eluding. Both offenses are felonies. In 2005 and 2007 Respondent was also convicted in Iowa of two misdemeanors.
3. Section 1239(1) of the Michigan Insurance Code provides:

In addition to any other powers under this act, the commissioner may place on probation, suspend, revoke, or refuse to issue an insurance producer's license or may levy a civil fine under section 1244 or any combination of actions for any 1 or more of the following causes:

 - (a) Providing incorrect, misleading, incomplete, or materially untrue information in the license application.

* * *
 - (c) Obtaining or attempting to obtain a license through misrepresentation or fraud.

* * *
 - (f) Having been convicted of a felony.
4. By making a false attestation on his application, Respondent demonstrated that he is not qualified, under the standards of section 1239(1), to hold a Michigan insurance producer

license. By virtue of his felony conviction, Respondent is not qualified to hold a Michigan insurance producer license.

III. Order

Based on the conduct described above and in accordance with section 1239(1) of the Insurance Code, Respondent's insurance producer license is revoked.



R. Kevin Clinton
Commissioner