

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:

Joshua Gould  
System ID No. 05307568

Enforcement Case No. 11-11341

Respondent.

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Issued and entered  
on 8-25, 2011  
by Annette E. Flood  
Chief Deputy Commissioner

CONSENT ORDER AND STIPULATION

I. FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. At all pertinent times involved herein, Joshua Gould (Respondent) was a licensed non-resident producer.
2. As a licensed non-resident producer, Respondent knew or had reason to know that Section 1239 the Code, MCL 500.1239, states in part:

In addition to any other powers under this act, the commissioner may place on probation, suspend, or revoke an insurance producer's license or may levy a civil fine under section 1244 or any combination of actions, and the commissioner shall refuse to issue a license under section 1205 or 1206a, for any 1 or more of the following causes:

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(b) Violating any insurance laws or violating any regulation, subpoena, or order of the commissioner or of another state's insurance commissioner.

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(d) Improperly withholding, misappropriating, or converting any money or property received in the course of doing insurance business.

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(f) Having been convicted of a felony.

(g) Having admitted or been found to have committed any insurance unfair trade practice or fraud.

(h) Using fraudulent, coercive, or dishonest practices or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this state or elsewhere.

(i) Having an insurance producer license or its equivalent denied, suspended, or revoked in any other state, province, district or territory.

3. As a licensed non-resident producer, Respondent knew or had reason to know that Section 1247 of the Code, MCL 500.1247, states:

(1) An insurance producer shall report to the commissioner any administrative action taken against the insurance producer in another jurisdiction or by another governmental agency in this state within 30 days after the final disposition of the matter. This report shall include a copy of the order, consent to order, or other relevant legal documents.

(2) Within 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. The report shall include a copy of the initial complaint filed, the order resulting from the hearing, and any other relevant legal documents.

4. On November 11, 2010, Respondent acknowledged and admitted in a signed, written confession that he took funds from multiple clients IRA's and annuities for his own purposes.
5. By taking funds from his clients for his own purposes, Respondent misappropriated and converted money or property received in the course of doing insurance business giving rise of cause under Section 1239(1)(d) of the Code, MCL 500.1239(1)(d) for the commissioner to place on probation, suspend, or revoke Respondent's non-resident insurance producer's license, levy a civil fine under section 1244 or any combination of those actions.
6. By taking funds from his clients for his own purposes, Respondent used fraudulent, and dishonest practices, demonstrated incompetence, untrustworthiness and financial irresponsibility in the conduct of business giving rise of cause under Section 1239(1)(h) of the Code, MCL 500.1239(1)(h), for the commissioner to place on probation, suspend, or revoke Respondent's non-resident insurance producer's license, levy a civil fine under section 1244 or any combination of those actions.

7. On April 12, 2011, Respondent accepted a voluntary revocation of his non-resident insurance producer license in the State of Illinois.
8. Based on the revocation of the Respondent's non-resident insurance producer license by the State of Illinois, cause has arisen under Section 1239(1)(i) of the Code, MCL 500.1239(1)(i), for the commissioner to place on probation, suspend, or revoke Respondent's non-resident insurance producer's license, levy a civil fine under section 1244 or any combination of those actions.
9. OFIR has no record of notice given by Respondent regarding the administrative action taken against his non-resident producer license by the State of Illinois.
10. By not providing notice to the Commissioner of the administrative action taken against the Respondent's non-resident insurance producer license in the State of Illinois, Respondent violated Section 1247(1) of the Code, MCL 500.1247(1), for which the commissioner may place on probation, suspend, or revoke Respondent's non-resident insurance producer's license, levy a civil fine under section 1244 or any combination of those actions.
11. By violating Section 1247(1) of the Code, MCL 500, 1247(1), cause has arisen under Section 1239(1)(b) of the Code, MCL 500.1239(1)(b), for the commissioner to place on probation, suspend, or revoke Respondent's non-resident insurance producer's license, levy a civil fine under section 1244 or any combination of those actions.
12. On April 29, 2011, Respondent pled guilty to one felony count of wire fraud under 18 USC §1343 and one felony count of mail fraud under 18 USC §1341 in the United States District Court in the Eastern District of Missouri.
13. Based on the guilty plea to two felony counts, cause has arisen under Section 1239(1)(f) of the Code, MCL 500.1239(1)(f), for the commissioner to place on probation, suspend, or revoke Respondent's non-resident insurance producer's license, levy a civil fine under section 1244 or any combination of those actions.
14. Based on the guilty plea to two felony counts involving fraud, cause has arisen under Section 1239(1)(g) of the Code, MCL 500.1239(1)(g), for the commissioner to place on probation, suspend, or revoke Respondent's non-resident insurance producer's license, levy a civil fine under section 1244 or any combination of those actions.
15. OFIR has no record of notice given by Respondent regarding the criminal prosecution by the United States in the United States District Court in the Eastern District of Missouri.
16. By not providing notice to the Commissioner of the criminal prosecution taken against the Respondent by the United States in the United States District Court in the Eastern District of Missouri, Respondent violated Section 1247(2) of the Code, MCL 500.1247(2), for which the commissioner may place on probation, suspend, or revoke

17. Respondent's non-resident insurance producer's license, levy a civil fine under section 1244 or any combination of those actions.
18. By violating Section 1247(2) of the Code, MCL 500, 1247(2), cause has risen under Section 1239(1)(b) of the Code, MCL 500.1239(1)(b), for the commissioner to place on probation, suspend, or revoke Respondent's non-resident insurance producer's license, levy a civil fine under section 1244 or any combination of those actions.

## II. ORDER

Based upon the parties stipulation to the Findings of Fact and Conclusions of Law above, the Commissioner **ORDERS** the following:

- A. Respondent's non-resident producer license is **REVOKED** pursuant to Sections 1239 and 1244 of the Code, MCL 500.1239 and 500.1244.

**OFFICE OF FINANCIAL AND  
INSURANCE REGULATION**

  
Annette E. Flood  
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 Code and that both parties have complied with the all procedural requirements of the APA and the Code. Respondent waives the right to a hearing in this matter if this Consent Order is issued. Respondent understands 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. Respondent waives all objections to the Commissioner deciding this case following a hearing in the event the Consent Order is not approved. Respondent admits the facts set forth in the above Consent Order and agree to the entry of this order.

Date

8/16/11

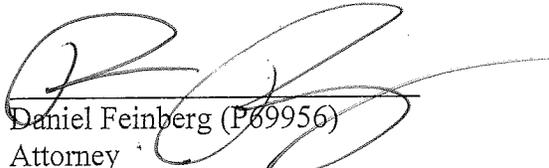
  
Joshua Gould

System ID No. 05307568

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

Date

8/23/11

  
Daniel Feinberg (P89956)  
Attorney