

**STATE OF MICHIGAN
DEPARTMENT OF INSURANCE AND FINANCIAL SERVICES**

Before the Director of the Department of Financial and Insurance Services

In the matter of:

Department of Insurance and Financial Services

Enforcement Case No. 13-11726

Agency Case No. 13-013-L

Petitioner,

v

Michelle Gillespie

System ID No. 0596901

Respondent.

_____/

Issued and enter
this 26th day of JULY 2013
by Randall S. Gregg
Deputy Director

FINAL DECISION

I. BACKGROUND

Respondent Michelle Gillespie is a licensed insurance producer. In July of 2013, the Department of Insurance and Financial Services (DIFS) received information that Respondent submitted 29 life insurance applications that contained inaccurate information, such as invalid social security numbers, driver's license numbers, telephone numbers, and addresses. DIFS investigated the complaint and on April 19, 2013, issued a Notice of Opportunity to Show Compliance (NOSC) to Respondent at her last known address alleging that Respondent had provided justification for revocation of licensure pursuant to Sections 1239(1)(h) of the Michigan Insurance Code (Code), MCL 500.1239(1)(h). Respondent failed to reply to the NOSC.

On June 11, 2013, DIFS issued an Administrative Complaint and Order for Hearing to Respondent at her last known address. The Order for Hearing required Respondent to take one of the following actions within 21 days: agree to a resolution of the case, file a response to the allegations with a statement that Respondent planned to attend the hearing, or request an adjournment. Respondent failed to take any of these actions.

On July 3, 2013, DIFS staff filed a Motion for Final Decision. Respondent did not file a reply to the motion. Given Respondent's failure to respond, Petitioner's motion is granted. The Administrative Complaint, being unchallenged, is accepted as true. Based upon the

Administrative Complaint, the Director makes the following Findings of Fact and Conclusions of Law.

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Director is statutorily charged by the Code with the enforcement and responsibility to exercise general supervision and control over persons transacting the business of insurance in Michigan.
2. At all relevant times, Respondent Michelle Gillespie (Gillespie) was a licensed resident insurance producer with qualifications in life.
3. On or about July 12, 2012, DIFS staff received a letter from Primerica Life Insurance Company (Primerica) stating that they cancelled Respondent Gillespie's appointment with Primerica.
4. Primerica alleged that Respondent Gillespie submitted 29 life insurance applications that contained inaccurate information, such as invalid social security numbers, driver's license numbers, telephone numbers, and addresses.
5. Respondent Gillespie received approximately \$3,822.62 in commission from the sale of these insurance policies.
6. As a licensee, Respondent Gillespie knew or had reason to know that Section 1239(1)(h) of the Code, MCL 500.1239(1)(h), allows the Director to place on probation, suspend, revoke, or levy a civil fine under Section 1244 of the Code, MCL 500.1244, for using fraudulent, coercive, or dishonest practices or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this state or elsewhere.
7. Respondent Gillespie used fraudulent or dishonest practices or demonstrated incompetence, untrustworthiness, or financial irresponsibility in the conduct of business when she submitted 29 insurance applications containing false and inaccurate information and received a commission from the sale of these insurance policies.
8. DIFS staff has made reasonable efforts to serve Respondent and has complied with MCL 500.1238.
9. Respondent has received notice and has been given opportunity to respond and appear and has not responded or appeared.
10. Respondent is in default and the Petitioner is entitled to have all allegations accepted as true.

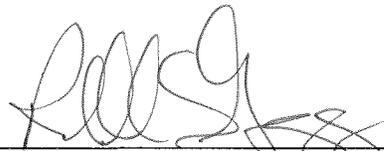
11. Based upon the actions listed above, Respondent Gillespie has committed acts that provide justification for the Director to order the payment of a civil fine, refund of any overcharges, restitution made to cover losses, damages or other harm attributed to Respondent's violations of the Code, and/or licensing sanctions under 1244(1) of the Code, MCL 500.1244(1), for the Respondent's violation of 1239(1)(h) of the Code, MCL 500.1239(1)(h).

III. ORDER

Based on the Respondent's conduct and the applicable law cited above, it is ordered that:

- 1 Respondent shall cease and desist from violating the Code.
- 2 Respondent shall immediately cease and desist from engaging in the business of insurance.
- 3 All insurance licenses of Michelle Gillespie are **REVOKED**.

R. Kevin Clinton, Director
For the Director:



Randall S. Gregg, Special Deputy Director