

STATE OF MICHIGAN
DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH
OFFICE OF FINANCIAL AND INSURANCE REGULATION
Before the Commissioner of Financial and Insurance Regulation

In the matter of:

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

v

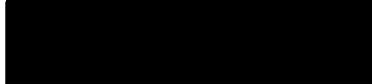
**Jack Thimm,
Respondent**

Enforcement Case No. 07-5496

For the Petitioner:

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

For the Respondent:

Jack Thimm


Issued and entered
this 7th day of April 2010
by Ken Ross
Commissioner

FINAL DECISION

I. Background

Jack Thimm (Respondent) is a licensed resident insurance producer authorized to transact the business of insurance in Michigan. This matter concerns allegations that Respondent Thimm failed to provide to the Office of Financial and Insurance Regulation (OFIR) a response to a consumer complaint as he is required to do under section 249(a) of the Michigan Insurance Code, MCL 500.249(a).

On August 26, 2008, Chief Deputy Commissioner Stephen R. Hilker issued an Order Referring Complaint for Hearing and Order to Respond in this case which was sent to

Respondent at the address above. The Order set forth detailed allegations concerning Respondent's failure to comply with section 249(a).

The Order 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, file a statement that Respondent plans to attend the hearing or request an adjournment. Respondent failed to take any of these actions.

On March 17, 2010, Petitioner filed a Motion for Final Decision. Given Respondent's failure to take one of the required actions, Petitioner's motion is granted.

II. Findings of Fact and Conclusions of Law

1. As a licensee of OFIR, Respondent knew or had reason to know that section 249(a) of the Michigan Insurance Code provides:

For the purposes of ascertaining compliance with the provisions of the insurance laws of the state or of ascertaining the business condition and practices of an insurer or proposed insurer, the commissioner, as often as he deems advisable, may initiate proceedings to examine the accounts, records, documents and transactions pertaining to:

(a) Any insurance agent, surplus line agent, general agent, adjuster, public adjuster or counselor.

2. In April 2007, OFIR received a consumer complaint concerning Respondent.
3. On May 4, 2007, OFIR sent Respondent a letter requesting that he provide, within 21 days, information in response to the complaint. Respondent failed answer the inquiry.
4. On August 14, 2007, OFIR sent Respondent a second request. Respondent failed to reply.
5. Respondent's conduct as described above demonstrates that Respondent has violated section 249(a) of the Michigan Insurance Code.

6. Section 150(1) of the Michigan Insurance Code, MCL 500.150(1), provides:

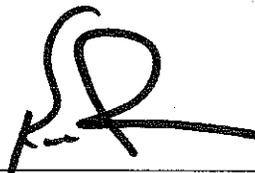
Any person who violates any provision of this act for which a specific penalty is not provided under any other provision of this act or of other laws applicable to the violation shall be afforded an opportunity for a hearing before the commissioner pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws. If the commissioner finds that a violation has occurred, the commissioner shall reduce the findings and decision to writing and shall issue and cause to be served upon the person charged with the violation a copy of the findings and an order requiring the person to cease and desist from the violation. In addition, the commissioner may order any of the following:

(a) Payment of a civil fine of not more than \$500.00 for each violation. However, if the person knew or reasonably should have known that he or she was in violation of this act, the commissioner may order the payment of a civil fine of not more than \$2,500.00 for each violation. With respect to filings made under chapters 21, 22, 23, 24, and 26, "violation" means a filing not in compliance with the provisions of those chapters and does not include an action with respect to an individual policy based upon a noncomplying filing. An order of the commissioner under this subdivision shall not require the payment of civil fines exceeding \$25,000.00. A fine collected under this subdivision shall be turned over to the state treasurer and credited to the general fund.

(b) The suspension, limitation, or revocation of the person's license or certificate of authority.

III. Order

Based on the conduct described above, and in accordance with section 150(1)(b) of the Michigan Insurance Code, the insurance producer license of Respondent Jack Thimm is revoked.



Ken Ross
Commissioner