

STATE OF MICHIGAN

DEPARTMENT OF INSURANCE AND FINANCIAL SERVICES

Before the Director of the Department of Insurance and Financial Services

In the matter of:

Department of Insurance and Financial Services

Enforcement Case No. 23-17480

Petitioner,

v

Terry Dutcher Agency, LLC

System ID No. 0116319

Respondent.

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**Issued and entered
on August 14, 2024
by Joseph A. Garcia
Special Deputy Director and General Counsel**

FINAL DECISION

I. Background

Terry Dutcher Agency, LLC (Respondent) is a licensed business entity insurance producer. The Department of Insurance and Financial Services (DIFS) received information that Respondent failed to register an individual licensed producer to serve as the Designated Responsible Licensed Producer (DRLP) for the agency. After investigation and verification of the information, DIFS issued a Notice of Opportunity to Show Compliance (NOSC) on September 12, 2023, informing Respondent that failure to designate a new DRLP or to show continuous compliance with the DRLP requirement would result in further compliance action, including revocation of the agency license. Respondent failed to reply to the NOSC.

On November 21, 2023, DIFS issued an Administrative Complaint and Opportunity for Hearing which was served upon Respondent at the address it is required to maintain with DIFS. Respondent failed to respond to the Administrative Complaint or request a hearing.

As a result, on June 25, 2024, 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 Complaint, the Director makes the following Findings of Fact and Conclusions of Law.

II. Findings of Fact and Conclusions of Law

1. At all relevant times, Respondent was a licensed business entity insurance producer.
2. As a prerequisite to licensure, every business entity agency must register with DIFS an individual licensed producer who will serve as the DRLP for the agency. MCL 500.1205(2)(b). The purpose of a DRLP is to ensure that each agency has a knowledgeable person designated as responsible for agency compliance with statutory and administrative requirements. Such a designation is an indication of both compliance and trustworthiness. Without a knowledgeable person designated as responsible for compliance under the Code, the trustworthiness of the agency is in question.
3. Respondent does not have a valid DRLP registered with DIFS.
4. Failure to continue to comply with the minimum requirements for licensure, even after licensure, constitutes a violation of the Code. See, e.g., Insurance Bureau Final Decision in *In re: Marvin John Zmudczynski, Edward Hartka, and Town Center Underwriters, Inc.* (July 15, 1987).
5. As a licensee, Respondent knew or had reason to know that Section 1239(1)(g) of the Code, MCL 500.1239(1)(g), states:

(1) 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:

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

6. Respondent has provided justification for sanctions, pursuant to Section 1239(1)(g) of the Code, MCL 500.1239(1)(g), by demonstrating untrustworthiness by failing to register with DIFS an individual licensed producer who will serve as the DRLP for the agency.
7. Section 1244(1)(d) of the Code, MCL 500.1244(1)(d), provides that if the Director finds that a person has violated Chapter 12, after an opportunity for a hearing, the Director 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 Director may order, among other things, the suspension or revocation of the person's license.
8. Respondent has provided justification for sanctions pursuant to Section 1244(1)(d) of the Code, MCL 500.1244(1)(d), by violating Section 1205(2)(b) of the Code, MCL 500.1205(2)(b).

9. On or about July 7, 2023, the DIFS Office of Insurance Licensing, Investigations, and Audits sent an NOSC to Respondent, addressed to its owner/officer of record at the address it is required to maintain on file with DIFS.
10. Respondent was given 14 days to respond to the NOSC. Respondent did not respond.
11. On, October 11, 2023, an Administrative Complaint and Opportunity for Hearing were mailed by first class mail to Respondent at its address of record on file with DIFS. No response was received.
12. DIFS Staff has made reasonable efforts to serve Respondent and has complied with MCL 500.1238(2). Respondent has received notice and has been given an opportunity to respond and appear yet has not responded nor appeared.
13. Respondent is in default and Petitioner is entitled to have all allegations accepted as true.
14. Pursuant to Sections 1239(1)(g) and 1244(1)(d) of the Code, the Director may revoke the Respondent's license on the basis of the uncontested violations of Chapter 12 set forth above.

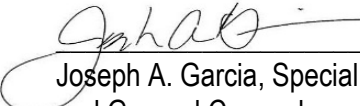
III. Order

Based upon 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.

Pursuant to MCL 500.1205(2)(b), MCL 500.1239(1)(g), and MCL 500.1244(1)(d), Respondent Terry Dutcher Agency, LLC's insurance producer license (System ID No. 0116319) is **REVOKED**.

Anita G. Fox, Director
For the Director:



Joseph A. Garcia, Special Deputy Director
and General Counsel

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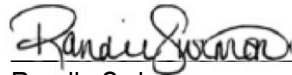
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CERTIFICATE OF SERVICE

I certify that on August 14, 2024, I served a copy of the FINAL DECISION, upon the following party(s) by depositing same in a United States Postal Depository in the City of Lansing, Michigan, enclosed in an envelope, first class mail, bearing postage fully prepaid, and plainly addressed as follows:

Terry Dutcher Agency, LLC
c/o Terry Dutcher, Owner
PO Box 578
Tawas City, MI 48764

Terry Dutcher Agency, LLC
c/o Terry Dutcher, Resident Agent
304 4th Street N
Oscoda, MI 48750



Randie Swinson
Office of General Counsel