

**State of Michigan
Civil Service Commission**

Capitol Commons Center, P.O. Box 30002
Lansing, MI 48909

Position Code

1. ADMSPLE

POSITION DESCRIPTION

This position description serves as the official classification document of record for this position. Please complete the information as accurately as you can as the position description is used to determine the proper classification of the position.

2. Employee's Name (Last, First, M.I.)	8. Department/Agency DEPT OF INS AND FIN SERVICE
3. Employee Identification Number	9. Bureau (Institution, Board, or Commission) Office of General Counsel
4. Civil Service Position Code Description Admin Law Specialist-E	10. Division Enforcement
5. Working Title (What the agency calls the position) Administrative Law Specialist	11. Section
6. Name and Position Code Description of Direct Supervisor GRANT, GARY L; ADMIN LAW SPECIALIST MANAGER-1	12. Unit
7. Name and Position Code Description of Second Level Supervisor GARCIA, JOSEPH A; SENIOR POLICY EXECUTIVE	13. Work Location (City and Address)/Hours of Work 530 W. Allegan, Lansing, MI 48933 / 8:00 a.m.-5:00 p.m.

14. General Summary of Function/Purpose of Position

On behalf of Department staff, this position prosecutes compliance cases involving alleged violations of state and federal laws, from completion of investigation to final resolution by settlement or formal administrative hearing. Cases involve such issues as whether individuals or entities have committed unfair trade practices, engaged in improper financial conduct or other conduct prohibited by statute. This position represents Department staff in contested and non-contested administrative proceedings before the Director. This position also provides research and advice on issues being decided by the Director.

15. Please describe the assigned duties, percent of time spent performing each duty, and what is done to complete each duty.

List the duties from most important to least important. The total percentage of all duties performed must equal 100 percent.

Duty 1

General Summary: **Percentage: 30**

Prepare compliance cases for Department enforcement actions.

Individual tasks related to the duty:

- Evaluate the legal and tactical issues in matters referred for enforcement action.
- Identify evidentiary requirements for compliance investigations and examinations.
- Analyze compliance cases to identify the legal and factual issues involved.
- Draft allegations in the forms of Notice of Opportunity to Show Compliance (NOSC), Notice of Hearing, Notice of Intention to Revoke License, Cease and Desist Orders and other orders and pleadings in administrative enforcement cases for approval of Chief Deputy Director and Senior Deputy Director(s).

Duty 2

General Summary: **Percentage: 30**

Organize and conduct compliance conferences and organize post-compliance work.

Individual tasks related to the duty:

- Chair informal compliance conferences to discuss allegations with individuals or entities.
- Following conferences, determine whether entity has demonstrated compliance with applicable statutes, including but not limited to the Insurance Code, Michigan Consumer Finance laws, the Secondary Mortgage Loan Act of 1981 and the Mortgage Brokers, Lenders and Servicers Act of 1987. This requires research and analysis of the foregoing statutes, case law, Attorney General opinions and other legal materials.
- Where an individual or entity has failed to demonstrate compliance, negotiate resolution of the case, if warranted.
- Draft stipulations and orders for approval.
- Revise NOSC, when needed, in cases not resolved by order.
- Draft formal Notice of Hearings, Pleadings and Orders.

Duty 3

General Summary: **Percentage: 20**

Represent Department staff in administrative hearings.

Individual tasks related to the duty:

- Conduct prehearing discovery (take depositions, prepare interrogatories and requests for admissions and documents in accordance with Michigan court rules.
- Represent Department staff at hearings conducted according to rules of evidence, administrative procedures act and Department rules (offer documents and testimony into evidence during administrative hearings.)
- Evaluate proposals for decision in formal hearings and, where appropriate, file exceptions with the Director.
- In cases where entity fails to respond to Notice of Hearing, prepare and present motion for default and final decision by default.

Duty 4

General Summary: **Percentage: 10**

Provide research and advice to Director on issues for decision.

Individual tasks related to the duty:

- Interpret statutes enforced by the Department.
- Evaluate bills and statutes under review.
- Serve as advisor on task forces.
- Draft, process and promulgate administrative rules.
- Evaluate multi state settlements.

Duty 5

General Summary: **Percentage: 10**

Perform special assignments.

Individual tasks related to the duty:

Prepare reports requiring legal research and evaluation of the applicability of laws to various situations. Conduct legal research and present findings. Other duties as assigned.

16. Describe the types of decisions made independently in this position and tell who or what is affected by those decisions.

Determine whether compliance action should be initiated; whether settlement of a compliance case should be offered to an individual or entity and what the terms of such a settlement should be. Determine whether a notice of hearing should be issued and whether exceptions to a proposal for decision should be filed. The person in this position prosecutes administrative enforcement of these cases pursuant to Department policy.

17. Describe the types of decisions that require the supervisor's review.

Dismissal of a compliance case; referral of cases to Office of Attorney General.

18. What kind of physical effort is used to perform this job? What environmental conditions in this position physically exposed to on the job? Indicate the amount of time and intensity of each activity and condition. Refer to instructions.

Position duties and tasks are performed in a traditional office environment which includes considerable sitting, occasional standing, limited lifting, considerable microcomputer usage and normal office routines. Occasional in-state or out-of-state travel may be required.

19. List the names and position code descriptions of each classified employee whom this position immediately supervises or oversees on a full-time, on-going basis.

Additional Subordinates

20. This position's responsibilities for the above-listed employees includes the following (check as many as apply):

- | | | | |
|----------------------------|------------------------------------|----------------------------|-----------------------------------|
| <input type="checkbox"/> N | Complete and sign service ratings. | <input type="checkbox"/> N | Assign work. |
| <input type="checkbox"/> N | Provide formal written counseling. | <input type="checkbox"/> N | Approve work. |
| <input type="checkbox"/> N | Approve leave requests. | <input type="checkbox"/> N | Review work. |
| <input type="checkbox"/> N | Approve time and attendance. | <input type="checkbox"/> N | Provide guidance on work methods. |
| <input type="checkbox"/> N | Orally reprimand. | <input type="checkbox"/> N | Train employees in the work. |

22. Do you agree with the responses for items 1 through 20? If not, which items do you disagree with and why?

Yes.

23. What are the essential functions of this position?

A primary duty of this position is to carry out the enforcement function. The duties must be conducted according to Michigan court rules, administrative procedures act and Department regulations. Professional knowledge and experience in administrative law and Department regulations are the primary guidelines in selecting the course of action appropriate for each case. Another primary duty is the provide research and advice to the Director on issues being decided by the Director.

24. Indicate specifically how the position's duties and responsibilities have changed since the position was last reviewed.

Requesting downgrade of the position from Senior level to Experienced level, to facilitate selection of the preferred candidate to fill this vacancy.

25. What is the function of the work area and how does this position fit into that function?

The Office of General Counsel performs research and analysis of regulatory related issues and provides technical legal assistance, research and analysis involving any department-related legal issue. This position performs actions required in the compliance process including the performance of legal research, drafting notices, settlements, briefs and exceptions, the presentation of a case before an administrative law examiner and the negotiation of settlements. The position also provides research and advice on issues being decided by the Director.

26. What are the minimum education and experience qualifications needed to perform the essential functions of this position.**EDUCATION:**

Possession of a juris doctorate degree.

EXPERIENCE:

Administrative Law Specialist 13

No specific type or amount is required.

Administrative Law Specialist 14

One year of professional experience in legal work equivalent to an Administrative Law Specialist 13 or Administrative Law Examiner 13, or as an attorney.

Administrative Law Specialist P15

Two years of professional experience in legal work, including one year equivalent to an Administrative Law Specialist 14 or Administrative Law Examiner 14; or, two years of experience as an attorney.

KNOWLEDGE, SKILLS, AND ABILITIES:

Knowledge, skills and abilities as identified on the job specification, plus:

- Knowledge of Michigan Insurance Code, other applicable statutes, rules and regulations, policies and procedures.
- Ability to exercise considerable tact and diplomacy when dealing with complex, sensitive and confidential regulatory matters.
- Knowledge of legal drafting, court rules, rules of evidence.

CERTIFICATES, LICENSES, REGISTRATIONS:

Membership in the State Bar of Michigan.

NOTE: Civil Service approval does not constitute agreement with or acceptance of the desired qualifications of this position.

I certify that the information presented in this position description provides a complete and accurate depiction of the duties and responsibilities assigned to this position.

Supervisor

Date

TO BE FILLED OUT BY APPOINTING AUTHORITY

Indicate any exceptions or additions to the statements of employee or supervisors.

N/A

I certify that the entries on these pages are accurate and complete.

DIANE GRIGGS

Appointing Authority

8/30/2023

Date

I certify that the information presented in this position description provides a complete and accurate depiction of the duties and responsibilities assigned to this position.

Employee

Date