

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-A	10. Division Enforcement
5. Working Title (What the agency calls the position)	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 ST; LANSING, MI 48915 / 8:00 a.m.-5:00 p.m.; Monday-Friday
14. General Summary of Function/Purpose of Position On behalf of the Director, this position independently manages the most complex compliance cases alleging 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 entities have committed unfair trade practices or engaged in improper financial conduct or other conduct prohibited by various statutes. In managing these cases the incumbent represents Department staff in legal proceedings before the Michigan Administrative Hearings System and the Director. This position also provides research and advice on the most complex 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: 60

Organize and coordinate complex compliance cases involving multiple complainants or respondents and that involves allegations of violations by licensees of the Regulatory Loan Act of 1963, the Consumer Financial Services Act of 1988, the Secondary Mortgage Loan Act of 1981, the Mortgage Brokers, Lenders and Servicers Act of 1987, the Uniform Securities Act of 1964, the Social Welfare Act of 1939, as well as the Michigan Insurance Code of 1956 and/or related laws.

Individual tasks related to the duty:

- Review investigative reports and complaints referred by the investigation and consumer assistance sections prior to the commencement of a formal administrative hearing.
- Analyze files for sufficiency of evidence and strength of position.
- Work together with Deputy General Counsel and department staff as a team to determine appropriate course of action.
- Prepare administrative pleadings including notices of opportunity to show compliance, administrative complaints, motions, briefs, proposed final orders, settlement agreements and stipulations.
- Chair informal compliance conferences with entities alleged to have violated the statutes.
- Communicate and negotiate with attorneys representing entities alleged to have violated the statutes.
- In the event that a formal administrative hearing is required, draft Notices of Hearing and other legal documents.
- Conduct prehearing discovery in accordance with Michigan court rules.
- Represent department staff at hearings conducted according to rules of evidence, administrative procedures act and department regulations.
- Evaluate proposals for decision in formal administrative hearings and where appropriate file exceptions with the Director.
- Prepare memos of referral for possible criminal prosecution.

Duty 2

General Summary:

Percentage: 20

Research as needed, or as assigned, legal authority for departmental actions including Michigan case law, federal case law, Attorney General opinions and other sources of data and analysis to pursue or recommend appropriate courses of action.

Individual tasks related to the duty:

- Conduct research using high quality research tools as provided by the Department.
- Obtain additional facts and objectives from referring office as necessary.
- Draft memoranda containing findings and recommendations with respect to research project.
- As requested, attend meetings and provide presentations, oral or otherwise, to staff and/or management relative to findings and recommendations.

Duty 3

General Summary:

Percentage: 10

Lead complex and sensitive special assignments as requested by the General Counsel. Such assignments may involve issues of significant public interest; coordination with other local, state or federal agencies; or multiple licensees.

Individual tasks related to the duty:

Duty 4

General Summary:

Percentage: 5

Organize and coordinate complex administrative cases in which there are concurrent criminal prosecutions and/or outside civil litigation.

Individual tasks related to the duty:

- Coordinate as necessary with other local, state, or federal agencies, inclusive of bringing together the work of investigators, compliance officers and other individuals from different agencies and departments.
- Act as liaison between the Office of Attorney General (OAG) and DIFS' Office of General Counsel with respect to concurrent criminal prosecutions and civil cases, inclusive, but not limited to, facilitating witness interviews or testimony and providing required documents.
- Draft criminal or civil referral memos for the General Counsel as needed.
- Provide updates as needed to the OAG regarding the progress of the administrative action

Duty 5

General Summary:

Percentage: 5

Provide counsel and training to staff regarding legal issues to licensing and enforcement activities that cross multiple industry lines and statutes.

Individual tasks related to the duty:

- Evaluate court decisions which concern Department issues.
- Review the disciplinary actions against licensees by other state and federal agencies and courts to determine whether compliance action is warranted.
- Organize and/or participate in training for Department staff on relevant issues. Such training may take the form of mock hearings, briefing sessions on trending topics, or other forms as approved by the General Counsel.
- Organize and/or participate in trainings to further personal legal expertise

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

Management of a case, however, case resolution is, of necessity, a team decision. Management of case conferences with respondents; communication with outside counsel.

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

Settlement or dismissal of cases; referral of case to Office of Attorney General; certain legal arguments involving policy decisions.

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.

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?

I agree

23. What are the essential functions of this position?

A principal duty of this position is to provide the department with the expertise needed to carry out the enforcement function. This position requires significant knowledge of administrative law and procedure, legal drafting and the ability to act independently in representing department staff in certain cases in administrative hearings. The duties must be conducted according to Michigan court rules, administrative procedures act and department regulations. In carrying out these duties, the incumbent will utilize independent judgment. 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 principal duty of the position is to provide research and advice on complex issues being decided by the director.

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

New Establishment.

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.

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 from an accredited school of law.

EXPERIENCE:

