

STATE OF MICHIGAN  
DEPARTMENT OF INSURANCE AND FINANCIAL SERVICES

Before the Director of the Department of Insurance and Financial Services

In the matter of:

JAMES MARTINA  
System ID No. 0193900

Enforcement Case No. 15-12665

Respondent.

\_\_\_\_\_ /

Issued and entered  
on March 23, 2016  
by Teri L. Morante  
Chief Deputy Director

ORDER ACCEPTING STIPULATION

Based upon the Stipulation to Entry of Order and the files and records of the Department of Insurance and Financial Services (DIFS) in this matter, the Chief Deputy Director finds and concludes that:

1. Pursuant to Executive Order 2013-1, all authority, powers, duties, functions, and responsibilities of the Commissioner of the Office of Financial and Insurance Regulation (Commissioner) have been transferred to the Director of DIFS.
2. The Chief Deputy Director has jurisdiction and authority to adopt and issue this Order Accepting Stipulation in this proceeding pursuant to the Michigan Administrative Procedures Act of 1969 (APA), as amended, MCL 24.201 *et seq.*, and the Michigan Insurance Code of 1956 (Code), MCL 500.100 *et seq.*
3. All required notices have been issued in this case, and the notices and service thereof were appropriate and lawful in all respects.
4. Acceptance of the Stipulation to Entry of Order is reasonable and in the public interest.
5. All applicable provisions of the APA have been met.
6. Respondent violated Section 1207(3) of the Code, MCL 500.1207(3), and Section 2066 of the Code, MCL 500.2066, by paying for customers' AAA memberships if they did not have enough money to cover the cost themselves and by paying AAA memberships for some of his long-time customers as a "thank you" for being good customers and referring him business.

Now therefore, based upon the Stipulation to Entry of Order and the facts surrounding this case,  
**IT IS ORDERED THAT:**

1. Respondent shall immediately cease and desist from operating in a manner that violates the Insurance Code, MCL 500.100 *et seq.*
2. Respondent's insurance producer license is **REVOKED**.
3. The Chief Deputy Director retains jurisdiction over the matters contained herein and has the authority to issue such further order(s) as shall be deemed just, necessary, and appropriate in accordance with the Code. Failure to abide by the terms and provisions of the Stipulation to Entry of Order and this Order may result in the commencement of additional proceedings.



Teri L. Morante  
Chief Deputy Director

STATE OF MICHIGAN  
DEPARTMENT OF INSURANCE AND FINANCIAL SERVICES

RECEIVED

FEB 22 2016

Before the Director of the Department of Insurance and Financial Services

DIFS/OGC

In the matter of:

JAMES MARTINA  
System ID No. 0193900

Enforcement Case No. 15-12665

Respondent.

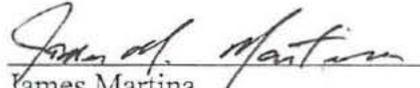
\_\_\_\_\_ /

STIPULATION TO ENTRY OF ORDER

James Martina (Respondent) stipulates to the following:

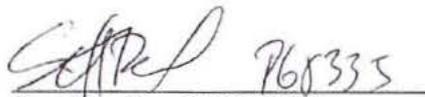
1. On or about December 15, 2015, the Department of Insurance and Financial Services (DIFS) served Respondent with a Notice of Opportunity to Show Compliance (NOSC) alleging that Respondent violated provisions of the Insurance Code of 1956 (Code), MCL 500.100 *et seq.*
2. Specifically, the NOSC contained allegations that Respondent violated Section 1207(3) of the Code, MCL 500.1207(3), and Section 2066 of the Code, MCL 500.2066.
3. Respondent and DIFS conferred for the purpose of resolving this matter.
4. Respondent exercised the right to an opportunity to show compliance pursuant to the Michigan Administrative Procedures Act (APA), MCL 24.201 *et seq.*
5. At all pertinent times, Respondent was licensed with DIFS as a resident insurance producer pursuant to the Code.
6. All parties have complied with the procedural requirements of the APA and the Code.
7. Respondent agrees that Respondent's resident insurance producer license shall be revoked.
8. Respondent has had an opportunity to review this Stipulation to Entry of Order and the proposed Order Accepting Stipulation and have the same reviewed by legal counsel.
9. Respondent stipulates that the Order Accepting Stipulation and the Stipulation to Entry of Order have been negotiated in return for the avoidance of further proceedings and additional sanctions.
10. Respondent understands and agrees that this Stipulation to Entry of Order will be presented to the Chief Deputy Director for approval.

11. Respondent further understands and agrees that the Chief Deputy Director may, in her sole discretion, decide to accept or reject this Stipulation to Entry of Order. If the Chief Deputy Director accepts the Stipulation to Entry of Order, Respondent waives the right to a hearing in this matter and consents to the entry of the Order Accepting Stipulation and Requiring Compliance and Payment of Fines. If the Chief Deputy Director does not accept the Stipulation to Entry of Order, Respondent waives any objection to the Director holding a formal administrative hearing and making a decision after such hearing.

  
James Martina  
System ID No. 0193900

2/14/14  
Date

DIFS Staff approve this Stipulation and recommend that the Chief Deputy Director accept it and issue an Order Accepting Stipulation.

  
Scott D. Basel (P68335)  
DIFS Staff Attorney

3-1-16  
Date