

**STATE OF MICHIGAN  
DEPARTMENT OF INSURANCE AND FINANCIAL SERVICES**

**Before the Director of the Department of Insurance and Financial Services**

In the matter of:

**Kevin John Elias**  
System ID No. 0435821

**Enforcement Case No. 14-11979**

**First Option Title Agency, Inc.**  
System ID No. 0082984

Respondents.

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Issued and entered  
on September 1, 2015  
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 the Department of Insurance and Financial Services (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. Respondents have given justification for sanctions pursuant to Section 1207(1) of the Code, MCL 500.1207(1), by receiving money and failing to timely remit the money to

whom it was owed and failing to rectify a NSF check once Respondent Elias had been notified.

7. Respondents have provided justification for sanctions pursuant to Section 1207(2) of the Code, MCL 500.1207(2), by receiving money, but failing to use reasonable accounting methods to track checks issued from Respondents' Fifth Third bank account and to ensure sufficient funds were available in the Fifth Third bank account to satisfy any outstanding checks.
8. Respondents have provided justification for sanctions pursuant to Section 1239(1)(b) of the Code, MCL 500.1239(1)(b), by failing to act as fiduciaries for money received and failing to use reasonable accounting methods and failing to track outstanding checks and failing to ensure sufficient funds were available to satisfy any outstanding checks, as required by Sections 1207(1) and (2) of the Code, 500.1207(1) and (2).
9. Respondents have provided justification for sanctions pursuant to Section 1239(1)(h) of the Code, MCL 500.1239(1)(h), by using dishonest practices or demonstrating untrustworthiness, or financial irresponsibility in the conduct of insurance business by failing to act as a fiduciary for money received and failing to use reasonable accounting methods to track outstanding checks.

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

10. Respondents shall immediately cease and desist from operating in such a manner as to provide justification for sanctions under Sections 1207(1), 1207(2), and 1239(1)(b) and (h) of the Code, MCL 500.1207(1), 500.1207(2), 500.1239(1)(b) and (h).
11. Respondent Elias's insurance producer license and authority are hereby **REVOKED**.
12. Respondent First Option Title Agency, Inc.'s insurance producer license and authority are hereby **REVOKED**.
13. The Chief Deputy Director retains jurisdiction over the matters contained herein and 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.

Dated: 9/1/15

  
Teri L. Morante  
Chief Deputy Director

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**STIPULATION TO ENTRY OF ORDER**

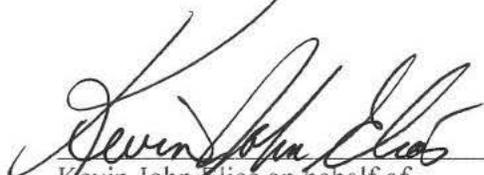
Kevin John Elias stipulates to the following on behalf of both Respondents:

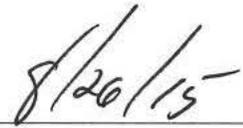
1. On or about September 12, 2014, the Department of Insurance and Financial Services (DIFS) served Respondents with a Notice of Opportunity to Show Compliance (NOSC) alleging that Respondents violated provisions of the Michigan Insurance Code of 1956 (Code), MCL 500.100 *et seq.*
2. Specifically, the NOSC contained allegations that Respondents received money and failed to timely remit the money to whom it was owed and failed to use reasonable accounting methods to track checks and ensure sufficient funds were available to satisfy outstanding checks. These allegations provide justification for sanction pursuant to Sections 1207(1), 1207(2), and 1239(1)(b) and (h) of the Code, MCL 500.1207(1), 500.1207(2), and 500.1239(1)(b), and (h).
3. Respondents were given an opportunity to show compliance pursuant to the Michigan Administrative Procedures Act (APA), MCL 24.201 *et seq.*
4. Respondents deny the allegations contained in the NOSC.
5. At all relevant times, Respondents were licensed with DIFS as insurance producers pursuant to the Code.
6. All parties have complied with the procedural requirements of the APA and the Code.
7. Respondent Elias agrees to the revocation of his insurance producer license.
8. Respondent Elias, as Resident Agent and the only insurance producer at First Option Title Agency, Inc., agrees to the revocation of First Option Title Agency, Inc.'s insurance producer license.

9. Respondents understand and agree that this Stipulation to Entry of Order will be presented to the Chief Deputy Director for approval.
10. 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. 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.
11. Respondents have 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.

  
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Kevin John Elias  
System ID No. 0435821

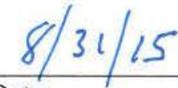
  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Kevin John Elias on behalf of  
First Option Title Agency, Inc.  
System ID No. 0082984

  
\_\_\_\_\_  
Date

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

  
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William R. Peattie (P48004)  
DIFS Staff Attorney

  
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Date