

**STATE OF MICHIGAN**  
**DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH**  
**OFFICE OF FINANCIAL AND INSURANCE REGULATION**  
**Before the Commissioner of Financial and Insurance Regulation**

**In the matter of:**

**Office of Financial and Insurance Regulation,  
Petitioner**

**v**

**JPS Title Agency, LLC  
Respondent**

**Enforcement Case No. 08-5750**

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**For the Petitioner:**

**Marlon Roberts  
Office of Financial and Insurance Regulation  
P.O. Box 30220  
Lansing, MI 48909-7720**

**For the Respondent:**

**Jonathan Sinutko  
JPS Title Agency, LLC**



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**Issued and entered  
this 9<sup>th</sup> day of April 2010  
by Ken Ross  
Commissioner**

**FINAL DECISION**

**I. Background**

JPS Title Agency, LLC (Respondent) is a licensed title insurance agency authorized to transact the business of insurance in Michigan. This matter concerns an allegation that Respondent failed to provide to the Office of Financial and Insurance Regulation (OFIR) a response to a consumer complaint as required under section 249(a) of the Michigan Insurance Code, MCL 500.249(a).

On October 7, 2008, Chief Deputy Commissioner Stephen R. Hilker issued an Order Referring Complaint for Hearing and Order to Respond in this case which was sent to Respondent at his address of record. The Administrative Complaint set forth detailed factual allegations concerning Respondent's failure to comply with section 249(a).

The Order for Hearing required Respondent to take one of the following actions within 21 days: agree to a resolution of the case, file an answer to the allegations stated in the Order, file a statement that Respondent plans to attend the hearing or request an adjournment. Respondent failed to take any of these actions.

On March 17, 2010, OFIR staff filed a Motion for Final Decision. Given Respondent's failure to take one of the required actions, Petitioner's motion is granted.

## **II. Findings of Fact and Conclusions of Law**

1. Section 249(a) of the Code, MCL 500.249(a), provides:

For the purposes of ascertaining compliance with the provisions of the insurance laws of the state . . . the commissioner, as often as he deems advisable, may initiate proceedings to examine the accounts, records, documents and transactions pertaining to:

(a) Any insurance agent, surplus line agent, general agent, adjuster, public adjuster or counselor.

2. On April 7, 2008, OFIR received a written complaint from a consumer alleging that the Respondent was the title company responsible for conducting the closing on a residential property being purchased by the consumer. The complainant alleged that Respondent charged an excessive broker fee.

3. On April 15, 2008, OFIR sent Respondent a letter requesting Respondent to provide, within 21 days, information in response to the written complaint. Respondent failed to respond to the inquiry.
4. On May 29, 2008, OFIR sent Respondent a second request for an immediate response to the prior inquiry. Respondent again failed to respond.
5. By failing to answer the inquiries of the Commissioner, Respondent violated section 249(a) of the Insurance Code.
6. Section 150(1) of the Michigan Insurance Code, MCL 500.150(1), provides:

Any person who violates any provision of this act for which a specific penalty is not provided under any other provision of this act or of other laws applicable to the violation shall be afforded an opportunity for a hearing before the commissioner pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws. If the commissioner finds that a violation has occurred, the commissioner 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 commissioner may order any of the following:

(a) Payment of a civil fine of not more than \$500.00 for each violation. However, if the person knew or reasonably should have known that he or she was in violation of this act, the commissioner may order the payment of a civil fine of not more than \$2,500.00 for each violation. With respect to filings made under chapters 21, 22, 23, 24, and 26, "violation" means a filing not in compliance with the provisions of those chapters and does not include an action with respect to an individual policy based upon a noncomplying filing. An order of the commissioner under this subdivision shall not require the payment of civil fines exceeding \$25,000.00. A fine collected under this subdivision shall be turned over to the state treasurer and credited to the general fund.

(b) The suspension, limitation, or revocation of the person's license or certificate of authority.

7. The sanctions provided in section 150(1) are appropriate to the violations described above.

### III. Order

Based on Respondent's conduct described above, and in accordance with the sanctions prescribed in section 150(1)(b) of the Michigan Insurance Code, the insurance producer license of Respondent JPS Title Agency, LLC is revoked.

A handwritten signature in black ink, appearing to be 'KR', written over a horizontal line.

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Ken Ross  
Commissioner