

**STATE OF MICHIGAN
DEPARTMENT OF ENERGY, LABOR AND ECONOMIC GROWTH
OFFICE OF FINANCIAL AND INSURANCE REGULATION**

Before the Commissioner of the Office of Financial & Insurance Regulation

**Pro Search, Inc.
25882 Orchard Lake Road, Ste. L5A
Farmington Hills, MI 48336**

Enforcement Case No. 08-6908

License No. FL-0011502

Respondent

**STIPULATION TO ENTRY OF CONSENT ORDER
AND CONSENT ORDER REQUIRING COMPLIANCE
AND PAYMENT OF CIVIL FINES**

STIPULATION TO ENTRY OF THE CONSENT ORDER

Pro Search, Inc. (Respondent) and the Office of Financial and Insurance Regulation (“OFIR”) stipulate to the following:

1. On or about January 16, 2009, OFIR served Respondent with a Notice of Opportunity to Show Compliance (“NOSC”) alleging that Respondent violated provisions of the Mortgage Brokers, Lenders, and Servicers Licensing Act (“MBLSLA”), 1987 PA 173, as amended, MCL 445.1651 *et seq.*
2. The NOSC contained allegations that Respondent violated the MBLSLA, and set forth the applicable laws and penalties which could be taken against Respondent.
3. Respondent exercised its right to an opportunity to show compliance via a telephone conference on or about January 23, 2009.

4. OFIR and Respondent have conferred for purposes of resolving this matter and determined to settle this matter pursuant to the terms set forth below.
5. The Chief Deputy Commissioner of OFIR has jurisdiction and authority to adopt and issue this Consent Order, pursuant to the Michigan Administrative Procedures Act (“MAPA”), MCL 24.201 *et seq.*, and the MBLSLA.
6. At all pertinent times, Respondent was licensed with OFIR as a mortgage broker pursuant to the MBLSLA.
7. Based upon the allegations set forth in the NOSC and communications with Respondent, the following facts were established:
8. Section 22(i) of the MBLSLA, MCL 445.1672(i), in part, states, “It is a violation of this act for a licensee or registrant to ... [r]efuse or fail to pay, within a reasonable time, those expenses assessed to the licensee or registrant under this act.”
9. Section 8(6) of the MBLSLA, MCL 445.1658(6), provides, “A licensee or registrant who fails to submit to the Commissioner a report required by Section 7 or Section 21 is subject to a penalty of \$25.00 for each day the report is delinquent or \$1,000.00, whichever is less.” In addition, Section 7(2) MBLSLA, MCL 445.1657(2), states in pertinent part, “Not later than 90 days after the close of the fiscal year of a licensee or registrant, the licensee or registrant shall annually deliver to the Commissioner a financial statement for the fiscal year prepared from the licensee's or registrant's books and records.”
10. On or about April 28, 2008, OFIR sent to Respondent by first class mail with sufficient postage affixed, an Invoice (Invoice No: 00790308) in the amount of \$350.00, which represents a late penalty fee for Respondent’s failure to timely file its financial statement with OFIR.

11. Respondent's financial statement was due to be filed on or before March 31, 2008; but was not received by OFIR until April 14, 2008; 14 days late.
12. Pursuant to the April 2008 Invoice, the financial statement late penalty was due on or before May 8, 2008.
13. On or about December 16, 2008, Respondent paid its late penalty for failing to timely file its financial statement.
14. By failing to satisfy the penalty imposed by OFIR within a reasonable time, Respondent violated Section 22(i) of the MBLSLA, MCL 445.1672(i).
15. Respondent has violated Section 7(2) of the MBLSLA, MCL 445.1657(2), by failing to file its financial statement within the time required by the MBLSLA.
16. Respondent admits that it has violated Section 22(i) of the MBLSLA, MCL 445.1672(i), and Section 7(2) of the MBLSLA, MCL 445.1657(2).
17. Respondent agrees that it will pay to the state of Michigan, through OFIR, a civil fine in the amount of \$500. This fine will be paid on or before 30 days from the date of entry of this Order.
18. Respondent agrees that it shall cease and desist from any and all violations of the MBLSLA, including Section 22(i) of the MBLSLA, MCL 445.1672(i), and Section 7(2) of the MBLSLA, MCL 445.1657(2).
19. Both parties have complied with the procedural requirements of the MAPA and the MBLSLA.
20. Respondent understands and agrees that this Stipulation will be presented to the Chief Deputy Commissioner for approval. The Chief Deputy Commissioner may in his sole discretion, decide to accept or reject the Stipulation and Consent Order. If the Chief

Deputy Commissioner accepts the Stipulation and Consent Order, Respondent waives the right to a hearing in this matter and consents to the entry of the Consent Order. If the Chief Deputy Commissioner does not accept the Stipulation and Consent Order, Respondent waives any objection to the Commissioner holding a formal administrative hearing and making his decision after such hearing. Respondent has had an opportunity to review the Stipulation and Consent Order and have the same reviewed by legal counsel.

21. The failure to abide by the terms and conditions of this Stipulation and Consent Order may, at the discretion of the Chief Deputy Commissioner, result in further administrative compliance actions.
22. The Chief Deputy Commissioner has jurisdiction and authority under the provisions of the MAPA and the MBLSLA to accept the Stipulation and Consent Order and to issue a Consent Order resolving these proceedings.

Pro Search, Inc.

Charles Kusl
By: President
Its: President

9-1-09
Dated

Office of Financial & Insurance Regulation

Marlon F. Roberts
By: Marlon F. Roberts
Staff Attorney

9/11/09
Dated

CONSENT ORDER

Issued and entered
on 9/14/2009, 2009
by Stephen R. Hilker
Chief Deputy Commissioner

Based on the Stipulation set forth above, **IT IS ORDERED** that:

1. Respondent shall CEASE and DESIST from violating Sections 22 and 7 of the MBLSLA.
2. Respondent shall pay to the state of Michigan, through OFIR, a civil fine in the amount of \$500. The fine shall be paid on or before 30 days of the date of entry of this Order.
3. Respondent shall make all filings with OFIR that are required to be filed on or before a certain date, including, but not limited to, annual reports, financial statements, and applications for renewal of license or registration, in a manner, such as via overnight mail or certified mail, which affords Respondent with proof of a specific delivery date, no later than the date the report, statement, or other document is due.
4. The Chief Deputy Commissioner retains jurisdiction over the matters contained herein and has the authority to issue such further order(s) as he shall deem just, necessary and appropriate in accordance with the Act.



Stephen R. Hilker
Chief Deputy Commissioner