

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

Before the Director of the Department of Insurance and Financial Services

In the matter of:

Austin John Forker
System ID No. 1045545

Enforcement Case No. 23-17523

Respondent.

_____ /

**Issued and entered
on March 25, 2024
by Joseph A. Garcia
General Counsel and Special 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 Special Deputy Director finds and concludes that:

1. The Special 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.*
2. All required notices have been issued in this case, and the notices and service thereof were appropriate and lawful in all respects.
3. Acceptance of the Stipulation to Entry of Order (Stipulation) is reasonable and in the public interest.
4. All applicable provisions of the APA have been either satisfied or waived by all Parties.
5. On or about December 27, 2023, DIFS served a Notice of Opportunity to Show Compliance (NOSC) to Respondent. In the NOSC, DIFS asserts that Respondent violated Sections 1207(1), 1238(1), 1239(1)(e)(i), 1239(2)(b), 1239(2)(e), and 1247(2) of the Code, MCL 500.1207(1), MCL 500.1238(1), MCL 500.1239(1)(e)(i), MCL 500.1239(2)(b), MCL 500.1239(2)(e), and MCL 500.1247(2).
6. Respondent admits to violating Sections 1207(1), 1238(1), 1239(1)(e)(i), 1239(2)(b), 1239(2)(e), and 1247(2) of the Code, MCL 500.1207(1), MCL 500.1238(1), MCL 500.1239(1)(e)(i), MCL 500.1239(2)(b), MCL 500.1239(2)(e), and MCL 500.1247(2).
7. The Director is authorized to take disciplinary action against Respondent's insurance license, in addition to the imposition of monetary penalties for the above-described statutory violations, pursuant to Sections 1239 and 1244 of the Code, MCL 500.1239 and MCL 500.1244.

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

1. All agreements contained in the Stipulation to Entry of Order are accepted and adopted in their entirety.
2. Respondent's resident insurance producer license is hereby REVOKED effective immediately.
3. Respondent shall not seek another insurance producer license within the State of Michigan.
4. The Special Deputy Director retains jurisdiction over the matters contained herein and, in accordance with the Code, has the authority to issue such further order(s) as shall be deemed just, necessary, and appropriate. Failure to abide by the terms and provisions of the Stipulation to Entry of Order and this Order Accepting Stipulation may result in the commencement of additional proceedings.



Joseph A. Garcia
Special Deputy Director

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

Before the Director of the Department of Insurance and Financial Services

In the matter of:

Austin John Forker
System ID No. 1045545

Enforcement Case No. 23-17523

Respondent.

_____ /

STIPULATION TO ENTRY OF ORDER

Petitioner, Department of Insurance and Financial Services (DIFS), and Respondent, Austin John Forker stipulate to the following:

- 1) At all relevant times, Respondent Austin J. Forker (System ID No. 1045545) (Respondent) was an actively licensed non-resident insurance producer with qualifications in Life and Accident and Health since May 26, 2021.
- 2) On or about December 27, 2023, DIFS served a Notice of Opportunity to Show Compliance (NOSC) on Respondent. The NOSC alleged that Respondent violated the Michigan Insurance Code of 1956 (Code), 1956 PA 218, as amended, MCL 500.100, *et seq.*
- 3) Specifically, the NOSC alleged that Respondent violated the Code for having been convicted of a felony and by failing to reveal to DIFS his conviction or any of the relevant legal documents associated with the conviction required by the Code – in violation of Sections 1239(1)(e)(i), 1239(2)(b), and 1247(2) of the Code, MCL 500.1239(1)(e)(i), MCL 500.1239(2)(b), and MCL 500.1247(2). The NOSC also alleged that Respondent violated Section 1239(2)(e) of the Code, MCL 500.1239(2)(e).
- 4) The NOSC arose once DIFS learned that Respondent pled guilty to felony Negligent Homicide on March 27, 2023. Specifically, Respondent was convicted in the Superior Court, Maricopa County, Arizona, case number CR-2020-001947-001, negligent homicide, in violation of Arizona law, Title 13 – Criminal Code, 12-1102(A). Respondent was sentenced to the Department of Corrections/Arizona State Prison for less than a maximum term of seven years to begin on May 12, 2023. Additionally, Respondent failed to reveal to DIFS the conviction set forth above, or any of the court orders resulting from the criminal proceedings, or any other relevant legal documents.
- 5) The violations alleged in the NOSC warrant disciplinary action against Respondent's license and monetary penalties pursuant to Sections 1239 and 1244 of the Code, MCL 500.1239 and MCL 500.1244.
- 6) Respondent admits to violating Sections 1239(1)(e)(i), 1239(2)(b), 1239(2)(e), and 1247(2) of the Code, MCL 500.1239(1)(e)(i), MCL 500.1239(2)(b), MCL 500.1239(2)(e), and MCL 500.1247(2).

- 7) Respondent hereby stipulates to the revocation of his insurance producer license and agrees not to apply for licensure in Michigan in the future.
- 8) Prior to signing this Stipulation, Respondent had the opportunity to review it and have the Stipulation reviewed by counsel.
- 9) Both parties consent to entry of the proposed Order Accepting Stipulation and Revoking License (Order) entered in this enforcement matter upon approval of the Special Deputy Director.
- 10) Respondent understands that this Stipulation and the accompanying Order will be presented to the Special Deputy Director for approval and that the Special Deputy Director may or may not approve and adopt it. Respondent further agrees that the Special Deputy Director has jurisdiction and authority to approve and adopt this Stipulation and the accompanying Order.
- 11) Respondent waives any objection to the Director deciding this case following a Michigan Office of Administrative Hearings and Rules hearing in the event that the Stipulation and/or the accompanying Order are not approved.
- 12) Respondent understands that, by agreeing to this Stipulation, he is waiving the right, pursuant to the Code, the rules promulgated thereto, and the APA, to a hearing before an administrative law judge, at which DIFS would be required to prove the charges set forth by presentation of evidence and legal authority and at which Respondent would be entitled to appear, to cross-examine all witnesses presented by DIFS, and to present such testimony or other evidence or legal authority deemed appropriate as a defense to said charges.
- 13) The parties agree that the Stipulation represents the full and complete agreement of the parties in this matter and, in the event that this stipulation is accepted by the Special Deputy Director and Respondent fully complies with its terms and the terms of the Order, it shall completely resolve the enforcement case captioned above.



Austin John Forker
System ID 1045545

03/12/2024

Date

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



Anthony Snyder (P69289)
DIFS Staff Attorney

3/21/2024

Date