

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 C. Albers
System ID No. 0759692

Enforcement Case No. 23-17386

Respondent.

ISSUED AND ENTERED

on January 15, 2025

by Joseph A. Garcia

Special Deputy Director and General Counsel

FINAL DECISION

I. INTRODUCTION

Kevin C. Albers (“Respondent”) is licensed as an insurance producer by the Department of Insurance and Financial Services (“DIFS”). On September 23, 2022, the Respondent pled guilty in Livingston County Circuit Court to felonies involving forgery and identity theft. These offenses are also violations of Chapter 12 of the Michigan Insurance Code (the “Code”), MCL 500.1200 to 500.1247.

On July 15, 2024, DIFS served on Respondent a Notice of Opportunity to Show Compliance (“NOSC”) detailing the evidence of Code violations and offering Respondent the opportunity to reply to the allegations. The NOSC was mailed to Respondent’s address of record. Respondent failed to respond to the NOSC.

On October 28, 2024, DIFS issued to Respondent an Administrative Complaint (together with the Statement of Factual Allegations attached therewith, the “Complaint”), describing the Code violations. The “Opportunity for Hearing” section of the Complaint included the following provision:

SHOULD YOU WISH TO REQUEST AN ADMINISTRATIVE HEARING AS DESCRIBED ABOVE, YOU MUST DO SO BY FILING A REQUEST FOR HEARING WITHIN TWENTY-ONE DAYS OF THE DATE OF THIS NOTICE. FAILURE TO REQUEST SUCH A HEARING MAY RESULT IN THE FACTS ASSERTED IN THIS COMPLAINT BEING ACCEPTED AS TRUE BY THE DIRECTOR AND THE IMMEDIATE ISSUANCE OF A FINAL DECISION IMPOSING SANCTIONS AGAINST YOU WITHOUT FURTHER OPPORTUNITY TO BE HEARD.

Respondent did not request a formal administrative hearing. Given Respondent’s failure to request a hearing, the unchallenged allegations in the Complaint are accepted as true. Based on the Complaint, the Director of DIFS makes the following Findings of Fact and Conclusions of Law.

II. FINDINGS OF FACT

The unchallenged factual allegations contained in the Administrative Complaint's Statement of Factual Allegations are accepted as true and restated below.

1. Respondent was an actively licensed resident insurance producer during all times relevant to this enforcement action.
2. On or about October 14, 2021, a two-count felony complaint was issued against Respondent in Livingston County Circuit Court (Case No: 2021002057) as follows:
 - a. Count one: Forgery-bank bills/promissory notes: did falsely make, alter, forge, or counterfeit a promissory note issued by Bankers Healthcare Group, LLC, contrary to MCL 750.251; and
 - b. Count two: Identity theft: did with intent to defraud or violate the law, use, or attempt to use personal identifying information of [N.A.S.]¹ to obtain a cash loan, contrary to MCL 445.65.
3. Respondent pled guilty to the felony identity theft count set forth above, and on September 23, 2022, he was sentenced to jail for six months and ordered to pay \$48,211.00 in restitution and \$808.00 in fines and costs. In the Plea Agreement dated September 23, 2022, Question Number 17, Respondent stated, "8/22/19 I altered documents and used [the] identity [of N.A.S.] w/out permission."
4. Respondent failed to report the criminal prosecution described above to DIFS. Instead, DIFS obtained independent knowledge of the prosecution and conviction, and Respondent acknowledged it in response to a letter of inquiry sent to him by DIFS on or about February 24, 2023.
5. On July 15, 2024, DIFS staff mailed the NOSC to Respondent's mailing and business addresses of record, which he is required under the Code to keep current. See MCL 500.1238(1). No response was received.

III. CONCLUSIONS OF LAW

The unchallenged conclusions of law contained in the Complaint's Statement of Factual Allegations are accepted as true and are restated below.

1. Respondent knew or reasonably should have known that Section 1239(1)(e)(iii) of the Code, MCL 500.1239(1)(e)(iii), provides that the Director may take disciplinary action against licensees for having been convicted of a felony of a fiduciary or financial nature.
2. Respondent knew or reasonably should have known that Section 1239(2)(b) of the Code, MCL 500.1239(2)(b), provides that the Director may take disciplinary action against licensees for "[h]aving been convicted of a felony other than a felony described in subsection (1)(e)."

¹ This Final Decision does not use the victim's name in deference to the victim's privacy.

3. By his conviction of felony identity theft for using or attempting to use personal identifying information of [N.A.S.] to obtain a cash loan as described above, Respondent has provided justification for sanctions under either Section 1239(1)(e)(iii) of the Code, MCL 500.1239(1)(e)(iii), or Section 1239(2)(b) of the Code, MCL 500.1239(2)(b).
4. Respondent knew or reasonably should have known that Section 1239(1)(g) of the Code, MCL 500.1239(1)(g), provides that a licensee may be sanctioned for “[u]sing fraudulent, coercive, or dishonest practices or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this state or elsewhere.”
5. By using or attempting to use personal identifying information of [N.A.S.] to obtain a cash loan without her permission as described above, Respondent has provided justification for sanctions pursuant to Section 1239(1)(g) of the Code, MCL 500.1239(1)(g).
6. Respondent knew or reasonably should have known that Section 1247(2) of the Code, MCL 500.1247(2), provides:

Within 30 days after the initial pretrial hearing date, an insurance producer shall report to the commissioner any criminal prosecution of the insurance producer taken in any jurisdiction. The report shall include a copy of the initial complaint filed, the order resulting from the hearing, and any other relevant legal documents.
7. By his failure to reveal to DIFS either his criminal prosecution and subsequent conviction, and by failing to submit to DIFS any of the relevant legal documents associated with the criminal prosecution, Respondent has violated Section 1247(2) of the Code, MCL 500.1247(2).
8. Respondent knew or reasonably should have known that Section 1239(2)(e) of the Code, MCL 500.1239(2)(e), provides that the Director may take disciplinary action against licensees for “[v]iolating any insurance laws or violating any regulation, subpoena, or order of the director or of another state’s insurance commissioner.”
9. By violating Section 1247 of the Code, MCL 500.1247, as set forth above, Respondent has provided justification for sanctions pursuant to Section 1239(2)(e) of the Code, MCL 500.1239(2)(e).
10. Based upon the actions listed above, Respondent has committed acts that provide justification for the Director to order the payment of a civil fine and/or other licensing sanctions, including revocation of licensure.


IV. ORDER

Therefore, it is **ORDERED** that:

- A. Respondent is in default in this matter and the facts asserted in the Complaint are accepted as true.
- B. Pursuant to Sections 1239 and 1244 of the Code, MCL 500.1239 and 500.1244, the insurance producer license of Respondent Kevin C. Albers (System ID No. 0759692) is **REVOKED**.

C. Pursuant to Sections 1239 and 1244 of the Code, Respondent shall pay a civil penalty of \$1,000.00.

Anita G. Fox, Director
For the Director:



Joseph A. Garcia
Special Deputy Director and General Counsel