

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

Before the Director of the Department of Insurance and Financial Services

In the matter of:

Department of Insurance and Financial Services

Enforcement Case No. 18-15427

Agency No. 19-351-L

Petitioner,

v

Kevin Andre Matthews

System ID No. 0779447

Respondent.

_____ /

Issued and entered
on JUNE 18th, 2019
by **Randall S. Gregg**
Senior Deputy Director

FINAL DECISION

I. Background

Kevin Andre Matthews (Respondent) is a licensed insurance producer. The Department of Insurance and Financial Services (DIFS) received information that Respondent falsely answered "no" to the licensing application question: "Have you ever been convicted of a felony..." therefore, making a material misrepresentation on his 2016 license application. After investigation and verification of the information, on February 16, 2019, DIFS issued a Notice of Opportunity to Show Compliance (NOSC) alleging that Respondent had provided justification for revocation of licensure and other sanctions pursuant to Sections 1239(1) and 1244(1)(a-d) of the Michigan Insurance Code (Code), MCL 500.1239(1) and 500.1244(1)(a-d). Respondent failed to reply to the NOSC.

On April 18, 2019, DIFS issued an Administrative Complaint and Order for Hearing which was served upon Respondent at the address s/he is required to maintain with DIFS. The Order for Hearing required Respondent to take one of the following actions within 21 days: (1) agree to a resolution of the case, (2) file a response to the allegations with a statement that Respondent planned to attend the hearing, or (3) request an adjournment. Respondent failed to respond or take any action.

On May 24, 2019, DIFS Staff filed a Motion for Final Decision. Respondent did not file a reply to the motion. Given Respondent's failure to respond, Petitioner's motion is granted. The Administrative Complaint, being unchallenged, is accepted as true. Based upon the Administrative Complaint, the Director makes the following Findings of Fact and Conclusions of Law.

II. Findings of Fact and Conclusions of Law

1. Respondent has been an active nonresident producer in Michigan with a qualification in accident and health since August 23, 2016.
2. On August 18, 2016, Respondent applied for a Michigan nonresident producer license. On that application, Respondent answered "no" to the following question: "Have you ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony?" Following a routine background check, Respondent's license was issued on August 23, 2016.
3. On August 22, 2018, DIFS Staff received a notification from the National Association of Insurance Commissioners Reporting of Actions, which included Respondent's written statement and court documentation. In his statement, Respondent admitted that while in college, he was pulled over for making an illegal turn, and charged with driving under the influence of an intoxicating substance, careless driving, and criminal impersonation. He fraudulently provided his name to the police officer as "Kevin Hopper" but his full legal name is actually "Kevin Andre Hopper Wilson Matthews." On August 30, 1991, Respondent pled guilty to felony criminal impersonation in the Eighth Judicial District Court, Larimer County, Colorado. Respondent failed to disclose his deferred sentence and subsequent felony conviction on his 2016 nonresident producer license application as required by the Code.
4. As a licensee, Respondent knew or had reason to know that Sections 1239(1)(a), (c), and (f) of the Code, MCL 500.1239(1)(a), (c), and (f) state:
 - (1) In addition to any other powers under this act, the commissioner may place on probation, suspend, or revoke an insurance producer's license or may levy a civil fine under section 1244 or any combination of actions, and the commissioner shall refuse to issue a license under section 1205 or 1206a, for any 1 or more of the following causes:
 - (a) Providing incorrect, misleading, incomplete, or materially untrue information in the license application.

 - (c) Obtaining or attempting to obtain a license through misrepresentation or fraud.

 - (f) Having been convicted of a felony.

5. Respondent has provided justification for sanctions, pursuant to Section 1239(1)(a) of the Code, MCL 500.1239(1)(a), by falsely answering "no" to the licensing application question: "Have you ever

been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony?"

6. Respondent has provided justification for sanctions, pursuant to Section 1239(1)(c) of the Code, MCL 500.1239(1)(c), by falsely answering "no" to the licensing application question: "Have you ever been convicted of a felony..." therefore, making a material misrepresentation on his 2016 license application.
7. Respondent has provided justification for sanctions, pursuant to Section 1239(1)(f) of the Code, MCL 500.1239(1)(f), by being convicted of the aforementioned felony, which if it had been properly disclosed on Respondent's 2016 licensing application would have barred licensure.
8. 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.
9. On February 26, 2019, an NOSC was mailed by first class mail to Respondent at his mailing address of record, which he is required, per the Code, to keep current with DIFS. The mail was returned by the United States Postal Service (USPS) marked, "RETURN TO SENDER - NOT DELIVERABLE AS ADDRESSED – UNABLE TO FORWARD." The NOSC was also sent to Respondent's business address of record. No response was received, and it was not returned by the USPS.
10. On April 18, 2019, DIFS issued an Administrative Complaint and Order for Hearing which was served upon Respondent at the address s/he is required to maintain with DIFS. The Order for Hearing required Respondent to take one of the following actions within 21 days: (1) agree to a resolution of the case, (2) file a response to the allegations with a statement that Respondent planned to attend the hearing, or (3) request an adjournment. Respondent failed to respond or take any action.
11. DIFS Staff have made reasonable efforts to serve Respondent and have complied with MCL 500.1238(2).
12. Respondent has received notice and has been given an opportunity to respond and appear and has not responded nor appeared.
13. Respondent is in default and the Petitioner is entitled to have all allegations accepted as true.

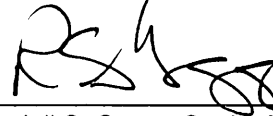
III. Order

Based upon the Respondent's conduct and the applicable law cited above, it is ordered that:

1. Respondent shall **CEASE** and **DESIST** from violating the Code.

2. Respondent shall immediately **CEASE** and **DESIST** from engaging in the business of insurance.
3. Pursuant to MCL 500.1239(1)(a), (c) and (f), and MCL 500.1244(1)(d), Respondent's nonresident insurance producer license (System ID No. 0779447) is **REVOKED**.

Anita G. Fox, Director
For the Director



Randall S. Gregg, Senior Deputy Director