STATE OF MICHIGAN

DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH

OFFICE OF FINANCIAL AND INSURANCE REGULATION

Before the Commissioner of Financial and Insurance Regulation

Office of Financial and Insurance Regulation,
Petitioner

v

Case No. 10-778-L

Joseph Person,
Respondent

For the Petitioner:

Marlon Roberts
Office of Financial and Insurance Regulation
611 W. Ottawa, 3rd Floor

For the Respondent:

Joseph Person
[redacted]

Issued and entered
this 28th day of January 2011
by Ken Ross
Commissioner

FINAL DECISION

I. Background

On August 25, 2010, Chief Deputy Commissioner Stephen R. Hilker issued an Order Referring Complaint for Hearing, and Order to Respond in this case. The Complaint set forth detailed allegations that Respondent had violated sections 1207(1) and 1239(1)(d) of the Michigan Insurance Code, MCL 500.1207(1) and 500.1239(1)(d), by failing to return fiduciary funds to the client to whom the funds were owed. A hearing was held on October 25, 2010. Respondent failed to attend the hearing and a default judgment was granted. The Administrative Law Judge issued a Proposal for Decision (PFD) on October 27, 2010. Neither party filed exceptions. Michigan courts have long recognized that the failure to file exceptions constitutes a waiver of any objections not raised. *Attorney General v. Public Service Comm* 136 Mich App 52 (1984).

II. Findings of Fact and Conclusions of Law

The factual findings in the PFD are in accordance with the preponderance of the evidence and the conclusions of law are supported by reasoned opinion. Those findings and conclusions are adopted. The PFD is attached and made part of this final decision. The findings and conclusions most pertinent to this Final Decision are stated below:

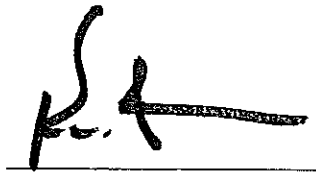
1. Respondent Joseph Person holds a limited lines insurance producer license authorizing him to work as a bail bondsman in Michigan. In the course of his work as a bail bondsman, Respondent accepted $13,900.00 from a client to secure the release of the client's daughter from a jail in Texas. The client paid Respondent a $350.00 retainer and $500.00 for travel expenses. She also gave Respondent $200.00 to deposit in her daughter's jail account. The remainder of the funds were to be paid to Texas authorities to secure the daughter's bail.

2. Respondent was unable to arrange bail. He returned to Michigan but failed to return the unused funds to his client. The client sued Respondent and was awarded a judgment of $3,500.00 which Respondent has failed to pay.

3. By failing to return the funds to his client, Respondent violated sections 1207(1) and 1239(1)(d) of the Michigan Insurance Code.

III. Order

In accordance with section 1239(1) of the Michigan Insurance Code, Respondent Joseph Person's producer license is revoked.



Ken Ross
Commissioner