

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
OFFICE OF FINANCIAL AND INSURANCE REGULATION  
Before the Commissioner of Financial and Insurance Regulation

Office of Financial and Insurance Regulation,  
Petitioner

v

Becroft Motor Sales, Inc.  
License No. IS-0014512,  
Respondent

Enforcement Case No. 10-7777

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**For the Petitioner:**

Marlon Roberts  
Office of Financial and Insurance Regulation  
P.O. Box 30220  
Lansing, MI 48909-7720

**For the Respondent:**

Becroft Motor Sales, Inc.  
P.O. Box 971  
Gaylord, MI 49734-0971

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Issued and entered  
this 12<sup>th</sup> day of December 2011  
by R. Kevin Clinton  
Commissioner

**FINAL DECISION**

**I. BACKGROUND**

Respondent Becroft Motor Sales, Inc. is an automobile sales business located in Gaylord, Michigan. Becroft Motor Sales, Inc. is licensed under Michigan's Motor Vehicle Sales Finance Act, MCL 492.101 *et seq.* (MVSFA), and is authorized to engage in business as a seller of motor vehicles through installment sales contracts.

In early 2010, the staff of the Office of Financial and Insurance Regulation (OFIR) concluded that Respondent had violated the MVSFA by failing to remit a civil fine assessed in a 2008 OFIR compliance case. OFIR initiated a compliance action.

On September 12, 2011, Chief Deputy Commissioner Annette Flood issued to Respondent an Administrative Complaint, Notice of Opportunity to Show Compliance, and Order for Hearing. The Administrative Complaint set forth detailed allegations that Respondent had failed to comply with section 9(a)(8) of the Michigan Motor Vehicle Sales Finance Act, MCL

492.109(a)(8). Section 9(a)(8) of the MVSFA, MCL 492.109(a)(8), provides that the Commissioner may suspend or revoke a license if “[t]he licensee has failed to pay the fine required by this act for failure to file reports to the administrator within the time stipulated.”

The Order for Hearing required Respondent to take one of the following actions within 21 days: agree to a resolution of the case, file an answer to the allegations stated in the Order with a statement that Respondent plans to attend the hearing, or request an adjournment. Respondent failed to take any of these actions.

On November 17, 2011, the Petitioner filed a Motion for Final Decision. Respondent did not file a reply to the motion. Given Respondent’s failure to take one of the required actions in response to the Order for Hearing, Petitioner’s motion is granted. The factual allegations stated in the Administrative Complaint, being unchallenged, are accepted as true and are stated below.

## **II. Findings of Fact and Conclusions of Law**

1. On April 19, 2008, Respondent signed a Settlement Agreement with the Office of Financial and Insurance Regulation (OFIR) to resolve Enforcement Case No. 05615.
2. The OFIR accepted the Settlement Agreement on April 24, 2008.
3. The Settlement Agreement included this provision: “Becroft Motor Sales, Inc. agrees to pay the State of Michigan a market conduct fee in the amount of five hundred dollars (\$500.00) upon receipt of invoice.”
4. On March 20, 2008, and January 10, 2011, OFIR sent invoices to Respondent.
5. Respondent has not paid the fine.
6. The Commissioner finds that Respondent has violated section 9(a)(8) of the MVSFA, MCL 492.109(a)(8).

## **III. Order**

Based on the conduct described above and the authority conferred by section 9(a)(8) of the Motor Vehicle Sales Finance Act, it is ordered that:

1. Respondent Becroft Motor Sales, Inc. shall remit to OFIR the civil fine assessed in OFIR Enforcement Case No. 05615, and

2. All licenses and authority of Becroft Motor Sales, Inc. issued pursuant to the Motor Vehicle Sales Finance Act are revoked.

A handwritten signature in black ink, appearing to read "R. Kevin Clinton", written over a horizontal line.

R. Kevin Clinton  
Commissioner