

**STATE OF OREGON
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
INSURANCE DIVISION**

In the Matter of **David M. Faubert**

) **FINAL ORDER**
) Case No. INS 05-10-004

History of the Proceeding

The Director of the Oregon Department of Consumer and Business Services (director) commenced this administrative proceeding, pursuant to Oregon Revised Statutes (ORS) 731.256, to take enforcement action against David M. Faubert (Faubert).

On 10/24/05, the director issued a notice of proposed action notifying the party that the director proposed to take enforcement action against the party and that the party was entitled to a hearing, pursuant to ORS 183.415.

The director did not receive a request for a hearing. The director did not hold a hearing because the director determined that the record of the proceeding proved a *prima facie* case and no further evidence was needed.

The director now makes the following final decision in this proceeding.

Findings of Fact and Conclusions of Law

Licensing Information

Faubert has been licensed in Oregon as a nonresident individual insurance producer since 10/1/02. Faubert's last recorded residence address is located in Simsbury, Connecticut.

Enforcement Action by Other State Insurance Regulator

Faubert is subject to enforcement action pursuant to ORS 744.074(1)(i) in one instance because of the following circumstance. ORS 744.074(1)(i) subjects a person to enforcement action when another state insurance regulator cancels, revokes, suspends, or refuses to renew, the person's license in that state as an insurance producer, adjuster or consultant. At all relevant times, Faubert was a resident of Connecticut. On 4/26/05, the insurance regulator for the State of Connecticut issued an order, number MC 05-32, revoking Faubert's Connecticut resident insurance

producer license based on Faubert's consent to the action and as a result of pending criminal charges in the United States District Court, for the District of Connecticut, case number 3:05CV510(MRK).

Failed to Report Enforcement Action by Other State Insurance Regulator

Faubert is subject to enforcement action pursuant to ORS 744.089(1) in one instance because of the following circumstance. ORS 744.089(1) requires a person licensed in Oregon as an insurance agent to notify the Insurance Division of any enforcement action taken against the person, and provide a copy of the order, within 30 days of the final disposition of the action. On 4/26/05, the insurance regulator for the State of Connecticut issued an order, number MC 05-32, revoking Faubert's Connecticut resident insurance producer license, as described above. The action was finally disposed of on 4/26/05. Thus, Faubert was required to notify the Insurance Division of the action, and provide a copy of the order, by 5/26/05. Faubert did not notify the Insurance Division of the action or provided a copy of the order.

Order

Pursuant to ORS 744.074(1), Faubert's Oregon nonresident individual insurance producer license is revoked on the date of this order.

Notice of Right to Judicial Review

The party may be entitled to have the final order reviewed by the Oregon Court of Appeals pursuant to ORS 183.480 and 183.482. A party may institute a proceeding for judicial review by filing with the court a petition for judicial review within 60 days from the date this order was served on the party. If the order was personally delivered to a party, then the date of service is the day the party received the order. If the order was mailed to a party, then the date of service is the day the order was mailed to the party, not the day the party received the order. If a party files a petition, the party is requested to also send a copy of the petition to the Insurance Division.

Dated November 23, 2005 /s/ Joel Ario
Joel Ario
Administrator
Insurance Division
Department of Consumer and Business Services