

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

In the Matter of **Eric P. Pham**

) **FINAL ORDER**
) Case No. INS 14-09-002

History of the Proceeding

The Director of the Oregon Department of Consumer and Business Services (director), by and through the Insurance Division, commenced this administrative proceeding, pursuant to Oregon Revised Statutes (ORS) 731.256, to take enforcement action against Eric P. Pham (Pham).

On 9/12/14, the director issued a notice of proposed action informing the party that the director proposed to refuse to issue an Oregon resident individual pursuant to ORS 744.074. The notice also informed the party that the party was entitled to a hearing pursuant to ORS 183.415, and if the party wanted a hearing then the party had to send to the director a written request for a hearing so that the director received it by 11/11/14. The notice further informed the party that if a hearing was not conducted because the party did not timely request a hearing or otherwise defaulted then the designated portion of the Insurance Division's file and all materials submitted by the party in this case would automatically become part of the contested case record for the purpose of proving a *prima facie* case.

On 10/14/14 @ 3:56 PM, the director received from Pham an e-mail saying "I will not be needing a hearing."

The director did not conduct a hearing.

The director finds that the record of this proceeding proves a *prima facie* case.

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

Findings of Fact and Conclusions of Law

Licensing Information

Pham has never been issued any license authorized by ORS Chapter 744. On 8/15/14, Pham applied for an Oregon resident individual insurance producer license.

The license as not been issued. Pham does not have an NAIC national producer number. Pham's last known residence street address is 4206 Geranium Avenue NE, Salem, OR 97305-2392; telephone number is 971-218-0237, and e-mail address is ericpham36@gmail.com. Pham's last known business street address is 51 Madison Avenue, New York, NY 10010; telephone number is 503-316-2018; and e-mail address is pholdridge@ft.newyorklife.com.

Convicted of Crime

Pham is subject to enforcement action pursuant to ORS 744.074(1)(f). ORS 744.074(1)(f) permits the director to take any authorized enforcement action against a person who has applied for a license or is licensed in Oregon as an insurance producer if the person was convicted of a misdemeanor involving dishonesty or breach of trust, a felony, or an offense punishable by death or imprisonment under the laws of the United States. On 12/3/13, in the Circuit Court for the State of Oregon for Benton County, in the criminal case *State of Oregon v. Eric Pham Pham*, case number OR002015J, Pham was convicted of one count of the crime of unlawful delivery of marijuana, a felony, pursuant to ORS 475.860. Pham was also charged with three counts each of possessing and delivering a controlled substance pursuant to ORS 475.752 but those charges were dismissed.

Provided Incorrect Information on Insurance License Application

Pham is subject to enforcement action pursuant to ORS 744.074(1)(a). ORS 744.074(1)(a) permits the director to take any authorized enforcement action against a person who has applied for a license or is licensed in Oregon as an insurance producer if the person provided to the director incorrect, misleading, incomplete or materially untrue information on an application for an Oregon insurance producer license or renewal thereof. On 8/15/14, the director received electronically from Pham an application for an Oregon resident individual insurance producer license. On the application, question 1b asked "[h]ave you ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony?" Pham answered the question "No." Pham's answer was incorrect because Pham was convicted of the crime described

above. Pham's answer was also false because, on the application, Pham "certif[ied] that, under penalty of perjury, all of the information submitted in this application and attachments is true and complete. I am aware that submitting false information or omitting pertinent or material information in connection with this application is grounds for license revocation or denial of the license and may subject me to civil or criminal penalties."

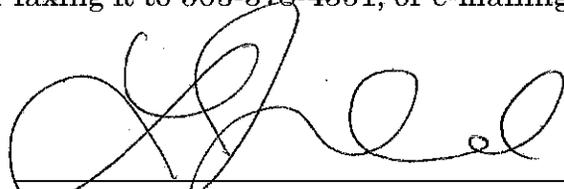
Order

Pursuant to ORS 744.074(1), Pham shall not be issued an Oregon resident individual insurance producer license.

Notice of Right to Judicial Review

A party has the right to judicial review of this order pursuant to ORS 183.480 and ORS 183.482. A party may request judicial review by sending a petition for judicial review to the Oregon Court of Appeals. The court must receive the petition 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 date the party received the order. If the order was mailed to a party, then the date of service is the date the order was mailed to the party, not the date 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 by delivering it to the Labor and Industries Building, 350 Winter Street NE Room 300, Salem, Oregon 97301-3880; or mailing it to PO Box 14480, Salem, OR 97309-0405; or faxing it to 503-378-4351; or e-mailing it to mitchel.d.curzon@state.or.us.

Dated NOV 10 2014



Laura N. Cali, FCAS, MAAA
Insurance Commissioner and Chief Actuary

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INSURANCE DIVISION

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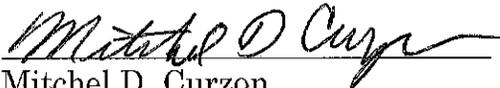
) CERTIFICATE of
) SERVICE of
) FINAL ORDER
) Case No. INS 14-09-002

I certify that I sent the final order action to the following person(s) on the date and by the means indicated below:

Eric P. Pham
4206 Geranium Avenue NE
Salem, OR 97305-2392

✓ US First Class Mail
✓ E-mail to ericpham36@gmail.com

Dated NOV 10 2014


Mitchel D. Curzon
Chief Enforcement Officer

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