

STATE OF OREGON

DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
INSURANCE DIVISION

In the Matter of)
the Application of Raec Schwarzbach) STIPULATION and
for an Oregon Resident Insurance) CONSENT ORDER
Producer's License) Case No. INS 14-10-002

The Director of the Department of Consumer and Business Services for the State of Oregon ("Director"), pursuant to the authority set forth in ORS 744.074, and having reviewed the files and records of the Oregon Insurance Division, makes the following:

Findings of Fact:

1. Raec Schwarzbach ("Schwarzbach") has applied for an Oregon Resident Insurance Producer's License ("License").
2. As part of the application process, Schwarzbach completed and submitted to the Director an application form indicating that he had never been convicted of any military offense.
3. Schwarzbach's background check showed that Schwarzbach pled guilty to a military drug offense and subsequent investigation confirmed that Schwarzbach was convicted of a non-criminal military offense after entering a plea of guilty in a Summary Court Martial proceeding

Conclusions:

1. Under ORS 731.988(1) the Director may impose a civil penalty upon any individual who violates a provision of the Insurance Code.
2. Under ORS 744.074(1)(a) the Director may refuse to issue a License, or take any other action authorized by the Insurance Code, if an applicant provides incorrect, misleading, incomplete, or materially untrue information in a license application.
3. Accurate information about a conviction for a military offense, including a summary court martial conviction, is material to the Director's decision whether to issue a License.
4. Schwarzbach's indication in his application that he had not been convicted of any military offense was incorrect and materially untrue.

Based upon the foregoing, the Director finds it appropriate to issue a License to Schwarzbach, subject to a civil penalty of \$500 for providing incorrect or materially untrue information in a license application.

Stipulation to Order and Civil Penalty:

Schwarzbach stipulates to the foregoing facts and conclusions and agrees that, in consideration of the Director's issuance of a License, Schwarzbach will pay a civil penalty of \$500 as set out herein.

The Director hereby imposes a civil penalty of \$500 (Five Hundred Dollars), to be paid at the rate of \$100.00 per month, with the first payment to be delivered to the director on or before February 28, 2015, and like payments of \$100.00 to be delivered to the director no later than the last day of each succeeding month, until the entire civil penalty has been paid in full.

Schwarzbach stipulates that if, according to the records of the Oregon Insurance Division, any payment is not timely made, or if the civil penalty is not paid in full by June 30, 2015, the Director may immediately suspend the License and may take such other and further actions with respect to the License or unpaid balance of the civil penalty as applicable rules and statutes allow.

In further consideration of the Director's issuance of a License, Schwarzbach consents to entry of this order, including the civil penalty of \$500, and hereby waives any and all hearing rights, including any hearings that have already been scheduled, as well as any rights to judicial or administrative review of this order.

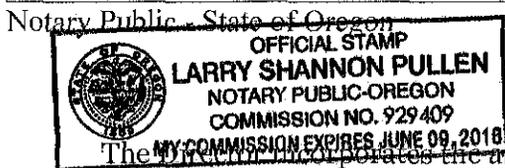
Dated 02-09-2015


Raec Schwarzbach

State of OREGON

County of Wasco

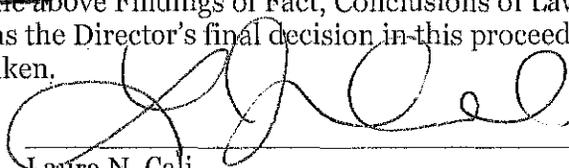
Signed or attested before me on 2-9, 2015 by 



FINAL ORDER

The Director hereby adopts the above Findings of Fact, Conclusions of Law, and Stipulation to Order, adopts them as the Director's final decision in this proceeding, and orders that the actions stated therein be taken.

Dated 2/24/15


Laura N. Cali
Oregon Insurance Commissioner
for the Director, Department of Consumer
and Business Services

Oregon Insurance Division Account Number: 44320 0500