

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

In the Matter of the Renewal Application)	STIPULATION and
of Sam J. Tosti, II for an)	CONSENT ORDER
Oregon Nonresident Insurance)	Case No. INS 15-04-023
Producer's License)	

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, proposes to make the following:

Findings of Fact:

1. Sam J. Tosti, II ("Tosti") has applied for renewal of an Oregon Nonresident Insurance Producer's License ("License"). Tosti is licensed as a resident insurance producer in the state of Washington and has been licensed as a nonresident insurance producer in Oregon since September 11, 2006. Tosti's National Producer Number is 70503.
2. As part of the renewal process, on February 20, 2015, Tosti completed and submitted to the Director a renewal application form. In response to a question on that form asking whether Tosti had ever been convicted of a misdemeanor, Tosti responded, "Yes." In response to the Director's inquiry, Tosti provided further information showing that he had been prosecuted and convicted of Assault in the Second Degree, a misdemeanor, in Washington state. According to the information supplied by Tosti, he was found guilty on July 10, 2014.
3. The date of Tosti's initial pretrial hearing date was necessarily no later than July 10, 2014, the date he was found guilty.
4. The Director has no record that Tosti ever provided notice of the criminal prosecution at any time prior to submission of his application on February 20, 2015.

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 744.089(2), an insurance producer must report any criminal prosecution of the producer to the Director not later than the 30th day after the date of the initial pretrial

hearing in the matter and must include with that report a copy of the initial complaint and any other relevant legal documents.

3. Tosti did not make the requisite report within 30 days of the initial pretrial hearing in his July 2014 Assault case—the report would have been due no later than August 9, 2014. Tosti first gave an indication that he had been prosecuted on February 20, 2015, when he submitted his application for renewal. At that time he did not include any of the requisite supporting paperwork.

Based upon the foregoing, the Director proposes to renew Tosti's License subject to a civil penalty of \$500 for failing to timely report the Washington criminal prosecution to the Director as required by statute.

Stipulation to Order and Civil Penalty:

Tosti stipulates to the foregoing facts and conclusions and agrees that he will pay a civil penalty of \$500.

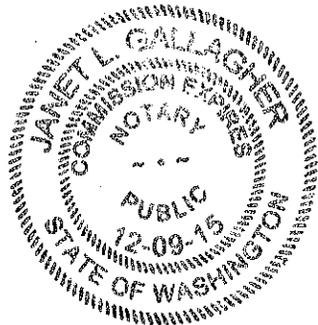
The Director hereby imposes a civil penalty of \$500, which is due and payable within 30 days of the final execution of this Stipulation.

Tosti consents to entry of this order, including the civil penalty of \$500, and hereby waives any and all hearing rights as well as any rights to judicial or administrative review of this order.

Dated May 6, 2015 Sam J. Tosti, II
Sam J. Tosti, II

State of WA
County of Pierce

Signed or attested before me on May 6, 2015 by Sam J. Tosti, II

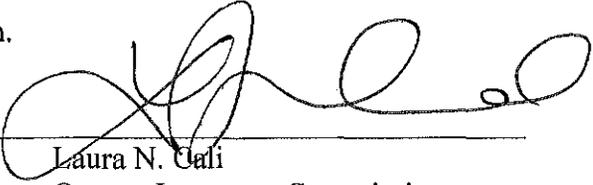


Notary Public - State of WA Janet L. Gallagher

FINAL ORDER

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

Dated 8/20/15

A handwritten signature in black ink, appearing to read 'Laura N. Cali', written over a horizontal line.

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