

STATE OF OREGON  
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES  
DIVISION OF FINANCIAL REGULATION

In the Matter of:

Case No. INS 15-06-040

FIRST BROKERAGE AMERICA LLC,

FINAL ORDER TO CEASE AND  
DESIST AND ORDER DENYING  
LICENSE, ENTERED BY DEFAULT

Applicant.

On August 3, 2015, the Director of the Oregon Department of Consumer and Business Services (“Director”), by and through the Division of Financial Regulation (“Division”), formerly the Insurance Division, properly served notice on First Brokerage America LLC (“Applicant”) that the Director intended to deny Applicant’s Oregon Non-Resident Insurance Producer License application.

The Notice offered Applicant an opportunity for hearing if requested within 60 days of service of the notice. The Notice further informed Applicant that if a hearing was not conducted because Applicant did not timely request a hearing or otherwise defaulted, then the designated portion of the Director’s file and all materials submitted by Applicant in this case would automatically become part of the contested case record for the purpose of proving a *prima facie* case.

The Director did not receive from Applicant a request for a hearing and did not conduct a hearing.

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

NOW THEREFORE, after considering the relevant portions of the Director’s file relating to this matter, the Director finds and orders as follows.

Division of Financial Regulation  
Labor and Industries Building  
350 Winter Street NE, Suite 410  
Salem, OR 97301-3881  
Telephone: (503) 378-4387



1 FINDINGS OF FACT

2 1. Applicant applied for an Oregon Non-Resident Insurance Producer’s License  
3 (“License”) on or about May 11, 2015. Applicant’s National Producer Number is  
4 2110967.

5 2. As part of the application process, Applicant completed and submitted to the  
6 Insurance Division, now known as the Division of Financial Regulation (“Division”), an  
7 application form indicating that they had never been subject to administrative action.

8 3. During review of the application, the Division learned that Applicant was  
9 subject to administrative action in Florida in 2012.

10 4. On or about December 18, 2012, Applicant was issued a producer’s license by  
11 the Florida Licensing Administration and was assessed a \$4,000 penalty for failing to  
12 timely file an application.

13 5. On or about May 18, 2015, Division investigators contacted FBA to inquire  
14 about the inaccurate application and to inform FBA that its application would be  
15 incomplete until it provided documents regarding the Florida administrative proceeding  
16 as required by the license application. The Division requested that FBA respond by June  
17 5, 2015. FBA has not provided the documents required for submission of a complete  
18 application.

19 CONCLUSION OF LAW

20 6. Accurate information about Applicant’s history of administrative action is  
21 material to the Director’s decision whether to issue a License.

22 7. Applicant’s representation in their application that they had never been named  
23 or involved as a party in an administrative proceeding was incorrect, misleading,  
24 incomplete or materially untrue.

25 8. Under ORS 744.074(1)(a), the Director may refuse to issue an insurance  
26 producer license and may take other actions authorized by the Insurance Code in lieu

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1 thereof or in addition thereto, if an applicant provides incorrect, misleading, incomplete  
2 or materially untrue information in the license application.

3 9. Applicant's failure to timely respond to the Division's request for information  
4 to complete the Applicant's application has resulted in the application being incomplete.

5 ORDER

6 Now therefore, the Director issues the following Orders:

7 10. As authorized by ORS 731.252(1), the Director ORDERS Applicant to  
8 CEASE AND DESIST from violating any provision of the Insurance Code or the  
9 administrative rules promulgated thereunder.

10 11. The Director, pursuant to ORS 744.074(1)(a), hereby DENIES Applicant's  
11 application for a Non-Resident Insurance Producer License.

12 12. This Order is a "Final Order" under ORS 183.310(6)(b). Subject to that  
13 provision, the entry of this Order does not limit other remedies, sanctions, or actions  
14 which may be available to the Director under Oregon Law.

15  
16 SO ORDERED this 21<sup>st</sup> day of March, 2016.

17 PATRICK M. ALLEN, Director  
18 Department of Consumer and Business Services

19  
20 /s/ David Tatman  
21 David C. Tatman, Chief of Enforcement  
22 Division of Financial Regulation

23 NOTICE OF RIGHT TO JUDICIAL APPEAL

24 You are entitled to judicial review of this order in accordance with ORS 183.482.  
25 You may request judicial review by filing a petition with the Court of Appeals in Salem,  
26 Oregon, within 60 days from the date this order is served.

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