

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

In the Matter of:

Case No. INS-16-0033

DANA PATRICK LOUGH,

Respondent.

FINAL ORDER TO CEASE AND  
DESIST, FINAL ORDER REVOKING  
LICENSE AND ASSESSING A CIVIL  
PENALTY, ENTERED BY DEFAULT

On February 11, 2016, 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 Dana Patrick Lough (“Respondent”) that the Director intended to revoke Respondent’s Oregon resident insurance producer license and order a civil penalty of \$5000.

The Notice offered Respondent an opportunity for hearing if requested within 30 days of service of the notice. The Notice further informed Respondent that if a hearing was not conducted because Respondent did not timely request a hearing or otherwise defaulted, then the designated portion of the Director’s file and all materials submitted by Respondent 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 Respondent 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 The Director FINDS that:

3 1. The Respondent holds a License that expires on September 30, 2016.  
4 Respondent's National Producer Number is 3431538.

5 2. The Respondent was locked out of his business office after he failed to pay  
6 rent.

7 3. The Respondent left personal property including computer equipment and  
8 client files in the office.

9 4. After attempts were made to have the Respondent remove the personal  
10 property, the landlord contacted the Division, to inquire as to what needed to be done  
11 with the abandoned files and computers.

12 5. Insurance companies were notified to remove their client files from the office.

13 6. The Director made multiple attempts to contact the Respondent. He did not  
14 respond to the Director's request.

15 CONCLUSIONS OF LAW

16 The Director CONCLUDES that:

17 7. The Respondent failed to notify the Division within thirty days of closing a  
18 location at which the insurance producer transacts business.

19 8. The Respondent did not adequately keep records for three years after the  
20 policy has expired.

21 9. The Respondent failed to promptly and truthfully reply to the Director's  
22 inquiries.

23 10. Under ORS 744.068(4)(b), an insurance producer shall notify the Director  
24 within thirty days of closing a location at which the insurance producer transacts  
25 business.

26 11. Under ORS 744.068(2), a resident insurance producer shall keep records of

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1 insurance transacted by the insurance producer under the license for three years following  
2 expiration of the policy.

3 12. Under ORS 731.296, the Director may address any proper inquiries to any  
4 licensee in relation to its activities. Any such person so addressed shall promptly and  
5 truthfully reply to such inquiries using the form of communication requested by the  
6 Director.

7 13. Under ORS 744.074(1)(b), the Director may place a licensee on probation or  
8 suspend, revoke or refuse to issue or renew an insurance producer license and may take  
9 other actions authorized by the Insurance Code for anyone violating any insurance laws,  
10 or violating any rule.

11 14. Under ORS 731.988(1), the Director may impose a civil penalty upon any  
12 individual who violates a provision of the Insurance Code.

13 ORDER

14 NOW, THEREFORE, THE DIRECTOR ISSUES THE FOLLOWING ORDERS:

15 15. The Director, pursuant to ORS 744.074(1)(b), hereby REVOKES the  
16 Respondent's Oregon Resident Insurance Producer's License.

17 16. Based upon the foregoing and in accordance with ORS 731.988(1), the  
18 Director proposes to ORDER a CIVIL PENALTY of \$5000 for failing to notify the  
19 Division within thirty days of closing a location at which the insurance producer transacts  
20 business, failing to maintain records for three years after the policy has expired and  
21 failing to promptly and truthfully reply to the Director's inquiries.

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

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1 SO ORDERED this 24<sup>th</sup> day of March, 2016.

2 PATRICK M. ALLEN, Director  
3 Department of Consumer and Business Services

4 /s/ David Tatman  
5 David C. Tatman, Chief of Enforcement  
6 Division of Financial Regulation

7 NOTICE OF RIGHT TO JUDICIAL APPEAL

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

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