

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

In the Matter of: Case No. INS 15-08-004
BRIAN A. GRIFFIN, FINAL ORDER
Applicant.

On September 24, 2015, the Director of the Department of Consumer and Business Services (“Director”), by and through the Insurance Division, now known as the Division of Financial Regulation (“Division”), properly served notice (“Notice”) on Brian A. Griffin (“Applicant”) that the Director intended to issue an order denying Applicant’s application for a resident insurance producer license.

The Notice offered Applicant an opportunity for a 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 Division’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 Division’s file relating to this matter, the Director finds and orders as follows.

FINDINGS OF FACT

The Director FINDS that:

1. Applicant applied for a resident insurance producer license (“License”) on or

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





1 about July 10, 2015.

2 2. On his application, in response to a question asking whether Applicant has
3 ever been convicted of a misdemeanor, Applicant answered “No.” That question
4 expressly requires applicants who have been convicted of a misdemeanor to attach to the
5 application a written statement explaining the circumstances of each incident, a copy of
6 the charging document, and a copy of the official document which demonstrates the
7 resolution of the charges or any final judgment.

8 3. Applicant’s background check indicated that Applicant was convicted of a
9 misdemeanor in 2003. According to the background check, Applicant was convicted of
10 misdemeanor embezzlement on May 22, 2003 in the Chesterfield General District Court
11 for the 12th Judicial District of Virginia, Case No. VA021013J.

12 4. On July 16, 2015, Division investigators sent a letter to Applicant inquiring
13 about the inaccurate application and to inform him that his application would remain
14 incomplete until he provided documents regarding the misdemeanor conviction. The
15 letter requested that Applicant respond by August 6, 2015. Applicant did not respond.

16 5. On September 22, 2015, the Division properly served notice on Applicant that
17 the Director intended to deny Applicant’s application for a resident insurance producer
18 license. Applicant had 60 days to timely request a hearing. The Division did not receive
19 a request for hearing from Applicant.

20 CONCLUSIONS OF LAW

21 The Director CONCLUDES that:

22 6. Accurate information about Applicant’s history of criminal conviction is
23 material to the Director’s decision whether to issue a License.

24 7. Applicant’s representation in his application that he had not been convicted of
25 a misdemeanor was incorrect, misleading, incomplete or materially untrue.

26 8. Applicant’s failure to provide the requested additional documentation has

1 resulted in his application being incomplete.

2 9. Under ORS 744.074(1)(a), the Director may refuse to issue an insurance
3 producer license and may take other actions authorized by the Insurance Code in lieu
4 thereof or in addition thereto, if an applicant provides incorrect, misleading, incomplete
5 or materially untrue information in the license application.

6 ORDERS

7 Now, therefore, the Director issues the following Orders:

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

11 11. The Director, pursuant to ORS 744.074(1)(a), hereby DENIES Applicant's
12 application for a resident insurance producer license.

13 SO ORDERED this 28th day of March, 2016.

14 PATRICK M. ALLEN, Director
15 Department of Consumer and Business Services

16
17 /s/ David Tatman
18 David C. Tatman, Chief of Enforcement
19 Division of Financial Regulation

20 NOTICE OF RIGHT TO JUDICIAL APPEAL

21 You are entitled to judicial review of this order in accordance with ORS 183.482.

22 You may request judicial review by filing a petition with the Court of Appeals in Salem,
23 Oregon, within 60 days from the date this order is served.

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26

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