

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

In the Matter of:

Case No. INS-15-07-012

EILEEN THIBODEAUX,

Applicant.

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

On August 3, 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 on Eileen Thibodeaux (“Thibodeaux”) that the Director intended to refuse to issue Thibodeaux’s Non-Resident Adjuster License.

The Notice offered Thibodeaux an opportunity for a hearing, if requested within 60 days. The Notice further informed Thibodeaux that if a hearing was not conducted because Thibodeaux did not timely request a hearing or otherwise defaulted, then the designated portion of the Director’s file and all materials submitted by Thibodeaux 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 Thibodeaux 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.

The Director makes the following Findings of Fact, Conclusions of Law, Orders, and Notice of Right to Judicial Appeal.

FINDINGS OF FACT

The Director FINDS that:

1. Thibodeaux applied for a Non-Resident Adjuster License (“License”) on June

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



1 22, 2015. Thibodeaux's National Producer Number is 8322269.

2 2. As part of the application process, Thibodeaux completed and submitted to the  
3 Division an application form indicating that she had never been subject to an  
4 administrative proceeding.

5 3. During review of the application, the Division learned that Thibodeaux was  
6 subject to administrative action in Texas in 2004, for failing to make a required  
7 disclosure on a license application.

8 4. On June 25, 2015, the Division sent a letter to Thibodeaux requesting a copy  
9 of the Texas administrative order and an explanation surrounding the incident. The  
10 Division set a response deadline of July 9, 2015. Thibodeaux did not respond to the  
11 Division's request.

12 5. On August 3, 2015, the Division properly served notice on Thibodeaux that  
13 the Director intended to deny Thibodeaux's application for a Non-Resident Adjuster  
14 License. Thibodeaux had 60 days to timely request a hearing. The Division did not  
15 receive a request for hearing from Thibodeaux.

#### 16 CONCLUSIONS OF LAW

17 The Director CONCLUDES that:

18 6. Accurate information about Thibodeaux's history of administrative action is  
19 material to the Director's decision whether to issue a License.

20 7. Thibodeaux's representation in her application that she had not been subject to  
21 administrative action was incorrect, misleading, incomplete, or materially untrue.

22 8. Under ORS 744.013(1)(b) and ORS 744.013(2)(b), the Director may refuse to  
23 issue an adjuster license on the grounds of falsification by the applicant of the application  
24 for the license or engagement in any dishonest act in relation to the application.

25 9. Thibodeaux's failure to timely respond to the Division's request for  
26 information to complete the application has resulted in the application being incomplete.



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ORDERS

Now, therefore, the Director issues the following Orders:

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

11. The Director, pursuant to ORS 744.013(1)(b) and ORS 744.013(2)(b), hereby proposes to DENY Thibodeaux’s application for a Non-resident Adjuster License.

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

SO ORDERED this 28<sup>th</sup> day of March \_\_\_\_\_, 2016.

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

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

NOTICE OF RIGHT TO JUDICIAL APPEAL

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

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