

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

In the Matter of:

Case No. INS 15-06-034

TIMOTHY J. ROSSI,

FINAL ORDER

Applicant.

On July 31, 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 Timothy J. Rossi (“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The Director received from Applicant a request for a hearing, but the request was withdrawn and the Director did not conduct a hearing.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.

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. Applicant applied for a resident insurance producer license (“License”) on or
4 around April 22, 2015.

5 2. On his application, in response to a question asking whether Applicant has
6 ever been convicted of a misdemeanor, Applicant answered “No.”

7 3. Applicant was convicted on April 9, 2014 of assault in the fourth degree, a
8 misdemeanor, in Marion County Circuit Court, Case No. 14C40879.

9 4. On his application, in response to a question asking whether Applicant has
10 ever been convicted of a felony, Applicant answered “Yes.”

11 5. Applicant was convicted on April 9, 2014 of failure to perform the duties of a
12 driver to injured persons, a felony, in Marion County Circuit Court, Case No. 14C40879.

13 6. Applicant was convicted on January 9, 2015 of criminal driving while
14 suspended, a felony, in Marion County Circuit Court, Case No. 14C44431.

15 7. On July 31, 2015, the Division properly served Notice on Applicant that the
16 Director intended to deny Applicant’s application for a resident insurance producer
17 license. Applicant had 60 days to timely request a hearing. Applicant requested a
18 hearing within 60 days of receiving the Notice.

19 8. On November 18, 2015, during the prehearing conference, Applicant
20 withdrew his request for a hearing. The Director did not conduct a hearing.

21
22 CONCLUSIONS OF LAW

23 The Director CONCLUDES that:

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

26 10. Under ORS 744.074(1)(a), the Director may refuse to issue an insurance

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

3 11. Applicant has been convicted of felonies in 2014 and 2015.

4 12. Under ORS 744.074(1)(f), the Director may refuse to issue an insurance
5 producer license if an applicant has been convicted of a felony.

6
7 **ORDERS**

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

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

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

14 SO ORDERED this 31st day of March, 2016.

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

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

20
21 **NOTICE OF RIGHT TO JUDICIAL APPEAL**

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

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26

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