

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

In the Matter of:

Case No. INS-16-0026

TIMOTHY HEUSCHKEL,

Respondent.

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

On February 10, 2016, the Director of the Department of Consumer and Business Services (“Director”), by and through the Division of Financial Regulation (“Division”), properly served Notice on Timothy Heuschkel (“Respondent”) that the Director intended to refuse to issue Respondent’s Non-resident Insurance Producer License.

The Notice offered Respondent an opportunity for a hearing, if requested within 60 days. 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.

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

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 applied for a License on or about December 15, 2015.
4 Respondent’s national producer number is 16445665.

5 2. As part of the application process, Respondent completed and submitted to the
6 Division of Financial Regulation (“Division”), formerly the Insurance Division, an
7 application form indicating that he had never been convicted of a misdemeanor.

8 3. During the application process, an investigation revealed that Respondent had
9 been convicted of Disorderly Conduct, a misdemeanor, in Toms River Township, New
10 Jersey in September 2007.

11 4. The Director made a written request for additional information to complete
12 the Respondent’s application and set a deadline of January 14, 2016.

13 5. Respondent did not respond to the Director’s request.
14

15 CONCLUSIONS OF LAW

16 The Director CONCLUDES that:

17 6. Accurate information about Respondent’s history of criminal conviction is
18 material to the Director’s decision whether to issue a License.

19 7. Respondent’s representation in his application that he had not been convicted
20 of a misdemeanor or felony was incorrect, misleading, incomplete, or materially untrue.

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

25 9. The Respondent’s failure to timely respond to the Director’s request for
26 information to complete the Respondent’s application has resulted in the application

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1 being incomplete.

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ORDER

NOW, THEREFORE, THE DIRECTOR ISSUES THE FOLLOWING ORDERS:

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

11. The Director, pursuant to ORS 744.074(1)(a), hereby DENIES Respondent’s application for an Oregon Non-resident Insurance Producer’s License.

SO ORDERED this 14th day of April, 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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