

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

Case No. INS-16-0066

In the Matter of:

MICHEAL A. PHILLIPS,

Applicant.

ORDER TO CEASE AND DESIST,
FINAL ORDER TO ISSUE LICENSE
SUBJECT TO TERMS OF
PROBATION, FINAL ORDER
ASSESSING CIVIL PENALTY AND
CONSENT TO ENTRY OF ORDER

The Director of the Department of Consumer and Business Services for the State of Oregon (“Director”), acting in accordance with Oregon Revised Statutes (“ORS”) chapters 731, 732, 733, 734, 735, 737, 742, 743, 743A, 744, 746, 748 and 750 (“Insurance Code”) and specifically ORS 744.074, has conducted an investigation into the Resident Insurance Producer License application of Micheal A. Phillips (“Applicant”).

Applicant wishes to resolve and settle this matter with the Director.

Now, therefore, as evidenced by the signature(s) subscribed on this Order, Applicant hereby CONSENTS to entry of this Order.

FINDINGS OF FACT

The Director FINDS that:

1. Applicant applied for an Oregon Resident Insurance Producer License (“License”) on or about November 9, 2015.

2. As part of the application process, Applicant completed and submitted to the Division of Financial Regulation (“Division”), formerly the Insurance Division, an

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



1 application form indicating that he had never been convicted of a felony or misdemeanor.

2 3. During review of the application, the Division learned that Applicant was
3 convicted of two misdemeanors and a felony. On April 3, 2003, Applicant was convicted
4 of possession or use of marijuana and criminal damage, both misdemeanors, in Maricopa
5 County Superior Court of Arizona. On August 23, 2006, Applicant was convicted of
6 aggravated assault, a felony, in Maricopa County Superior Court of Arizona.

7 4. After the application was filed, and the prior criminal convictions were
8 discovered, Applicant admitted to being the subject of the convictions.

9
10 **CONCLUSIONS OF LAW**

11 The Director CONCLUDES that:

12 5. Accurate information about Applicant's history of criminal conviction is
13 material to the Director's decision whether to issue a License.

14 6. Applicant's representation in his application that he had not been convicted of
15 a misdemeanor or felony was incorrect, misleading, incomplete or materially untrue.

16 7. Under ORS 731.260, no person shall file with the Director any application
17 known to be false or misleading.

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

23 9. Under ORS 744.074(1)(b), the Director may refuse to issue an insurance
24 producer license or place a licensee on probation and may take other actions authorized
25 by the Insurance Code in lieu thereof or in addition thereto, if an applicant violates any
26 insurance law.



1 f. If Applicant fails to comply with the conditions of this License, Applicant
2 agrees to notify the Division of the failure to meet the conditions and surrender the
3 License immediately. If Applicant fails to surrender the License within seven days of
4 providing notification to the Division or from the date that the Division notifies Applicant
5 that the Director believes that there has been a violation of this Order, whichever is
6 earlier, Applicant agrees that the conditional License shall be revoked immediately.

7 13. Based upon the foregoing and in accordance with ORS 731.988(1), the
8 Director ORDERS that Applicant pay a CIVIL PENALTY of \$500 for providing a false
9 or misleading license application.

10 14. The CIVIL PENALTY assessed herein is due and payable at the time this
11 Order is returned to the Division.

12 SO ORDERED this 14th day of April, 2016.

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

15
16 /s/ David Tatman
David C. Tatman, Chief of Enforcement
Division of Financial Regulation

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CONSENT TO ENTRY OF ORDER

I, Micheal A. Phillips, state that I have read the foregoing Order and that I know and fully understand the contents hereof; that the factual allegations stated herein are true and correct; that I have been advised of my right to a hearing, and that I have been advised of my right to be represented by counsel in this matter; that I voluntarily consent to the entry of this Order without any force or duress, expressly waiving any right to a hearing in this matter, as well as any rights to administrative or judicial review of this Order; that I understand that the Director reserves the right to take further actions against me to enforce this Order or to take appropriate action upon discovery of other violations of the Insurance Code by me; and that I will fully comply with the terms and conditions stated herein.

I understand that this Order is a public document.

/s/ Micheal A. Phillips

Signature

State of Oregon

County of Washington

Signed or attested before me on this 1st day of April, 2016

by Micheal A. Phillips.

/s/ William Brean Supry

Notary Public

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