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2 STATE OF OREGON  
3 DEPARTMENT OF CONSUMER AND BUSINESS SERVICES  
4 DIVISION OF FINANCIAL REGULATION

4 In the Matter of:

Case No. INS-16-0012

5 JAMES A. SPIER,

FINAL ORDER

6 Applicant.

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8 On February 10, 2016, the Director of the Department of Consumer and Business  
9 Services (“Director”), by and through the Division of Financial Regulation, formerly  
10 known as the Insurance Division (“Division”), properly served notice (“Notice”) on  
11 James A. Spier (“Applicant”) that the Director intended to issue an order denying  
12 Applicant’s application for a resident insurance producer license.

13 The Notice offered Applicant an opportunity for a hearing if requested within 60  
14 days of service of the Notice. The Notice further informed Applicant that if a hearing  
15 was not conducted because Applicant did not timely request a hearing or otherwise  
16 defaulted, then the designated portion of the Division’s file and all materials submitted by  
17 Applicant in this case would automatically become part of the contested case record for  
18 the purpose of proving a prima facie case.

19 The Director did not receive from Applicant a request for a hearing and did not  
20 conduct a hearing.

21 The Director finds that the record of this proceeding proves a prima facie case.

22 NOW THEREFORE, after considering the relevant portions of the Division’s file  
23 relating to this matter, the Director finds and orders as follows.

24 FINDINGS OF FACT

25 The Director FINDS that:

- 26 1. Applicant applied for an Oregon resident insurance producer license

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Labor and Industries Building  
350 Winter Street NE, Suite 410  
Salem, OR 97301-3881  
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1 (“License”) on October 27, 2015.

2 2. As part of the application process, Applicant completed and submitted to the  
3 Division an application form indicating that he had never been convicted of a felony or  
4 misdemeanor.

5 3. During review of the application, the Division learned that Applicant was  
6 convicted on August 11, 2006, in Marion County Circuit Court of Criminal Mistreatment  
7 I, a felony. After successful completion of probation, the conviction was reduced from  
8 felony to misdemeanor on April 13, 2010.

9 4. After the application was filed, and his prior criminal conviction was  
10 discovered, Applicant admitted to being the subject of the conviction.

11 5. On February 10, 2016, the Division properly served notice on Applicant that  
12 the Director intended to deny Applicant’s application for a resident insurance producer  
13 license. Applicant had 60 days to timely request a hearing. The Division did not receive  
14 a request for hearing from Applicant.

15 **CONCLUSIONS OF LAW**

16 The Director CONCLUDES that:

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

19 7. Applicant’s representation in his application that he had not been convicted of  
20 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.

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ORDERS

Now, therefore, the Director issues the following Orders:

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

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

SO ORDERED this 19<sup>th</sup> 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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