

1
2 STATE OF OREGON
3 DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
4 DIVISION OF FINANCIAL REGULATION

4 In the Matter of: Case No. INS-16-0004
5 STEPHEN N. SELBOVITZ, FINAL ORDER
6 Applicant.

7
8 On February 16, 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 Stephen N. Selbovitz (“Applicant”) that the Director intended to issue an order denying
12 Applicant’s application for a nonresident 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 nonresident insurance producer license

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1 (“License”) on or around October 15, 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 named or involved as a
4 party in an administrative proceeding.

5 3. During review of the application, the Division learned that Applicant was
6 involved in an administrative proceeding in Massachusetts on August 9, 2006 as the
7 result of a complaint investigation for failure to remit premiums.

8 4. On October 29, 2015, the Division sent a letter to Applicant requesting a copy
9 of the Massachusetts administrative order and an explanation of the circumstances
10 surrounding the incident. The Division set a response deadline of November 30, 2015.
11 Applicant did not respond to the Division’s request.

12 5. On February 16, 2016, the Division properly served notice on Applicant that
13 the Director intended to deny Applicant’s application for a nonresident insurance
14 producer license. Applicant had 60 days to timely request a hearing. The Division did
15 not receive a request for hearing from Applicant.

16 CONCLUSIONS OF LAW

17 The Director CONCLUDES that:

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

20 7. Applicant’s representation in his application that he had never been named or
21 involved as a party in an administrative proceeding was incorrect, misleading, incomplete
22 or materially untrue.

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



