

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

In the Matter of:

Case No. INS-16-0200

ROGERS-MCNAY AGENCY, INC.

Applicant.

ORDER TO CEASE AND DESIST,
FINAL ORDER TO ISSUE LICENSE,
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 nonresident insurance producer license application of Rogers-McNay Agency, Inc. (“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 a nonresident insurance producer license (“License”) on March 9, 2016. Applicant’s national producer number is 3330433.
2. As part of the application process, Applicant completed and submitted to the Division of Financial Regulation (“Division”) an application form indicating that they had never been subject to administrative action.

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



1 3. During review of the application, the Division learned that Applicant was
2 subject to administrative action in Florida on February 5, 2008, which resulted in a
3 \$1,000 penalty.

4 4. After the application was filed, and the prior administrative action was
5 discovered, Applicant admitted to being the subject of that action.

6
7 **CONCLUSIONS OF LAW**

8 The Director CONCLUDES that:

9 5. Accurate information about an applicant's history of administrative action is
10 material to the Director's decision whether to issue a License.

11 6. Applicant's representation in their application that they had not been subject
12 to administrative action was incorrect, misleading, incomplete or materially untrue.

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

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

19 9. Under ORS 731.988(1) the Director may impose a civil penalty of up to
20 \$1,000 per violation upon any individual who violates a provision of the Insurance Code.

21
22 **ORDERS**

23 Now therefore, the Director issues the following Orders:

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

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1 11. Based upon the foregoing and in accordance with ORS 731.988(1), the
2 Director ORDERS that a nonresident insurance producer license be issued to Applicant,
3 subject to a CIVIL PENALTY of \$500 for providing false or misleading information in a
4 license application.

5 12. The CIVIL PENALTY assessed herein is due and payable at the time this
6 Order is returned to the Division.

7 SO ORDERED this 29th day of April _____, 2016.

8 PATRICK M. ALLEN, Director
9 Department of Consumer and Business Services

10 /s/ David Tatman
11 David C. Tatman, Chief of Enforcement
12 Division of Financial Regulation

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1 CONSENT TO ENTRY OF ORDER

2 I, John W. West, state that I am an officer of
3 Rogers-McNay Agency, Inc. and I am authorized to act on its behalf. I have read the
4 foregoing order, and I know and fully understand the contents hereof. I have been
5 advised of the right to a hearing and of the right to be represented by counsel in this
6 matter. Rogers-McNay Agency, Inc. voluntarily and without any force or duress
7 consents to the entry of this order expressly waiving any right to a hearing in this matter.
8 Rogers-McNay Agency, Inc. understands that the Director reserves the right to take
9 further actions to enforce this order or to take appropriate action upon discovery of other
10 violations of the Insurance Code. Rogers-McNay Agency, Inc. will fully comply with
11 the terms and conditions stated herein.

12 Rogers-McNay Agency, Inc. understands that this order is a public document.

13 /s/ John W. West
14 Signature

15 John W. West
16 Printed name

17 President & Owner
18 Office held

19 ACKNOWLEDGMENT

20 State of Ohio

21 County of Montgomery

22 There appeared before me this 21st day of April, 2016,

23 John W. West, who was first duly sworn on oath, and stated that
24 she/he was and is an officer of Rogers-McNay Agency, Inc. and that he is authorized
25 and empowered to sign this Consent to Entry of Order on behalf of Rogers-McNay
26 Agency, Inc. and to bind Rogers-McNay Agency, Inc. to the terms hereof.

27 /s/ Durinda J. Simmerman
28 Signature of Notary Public

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