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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-16-0184

5 **RODRIGO DIAZ,**

FINAL ORDER TO CEASE AND  
DESIST AND ORDER REVOKING  
LICENSE, ENTERED BY DEFAULT

6 Licensee.

7 **THIS IS A FINAL ORDER**

8  
9 On or about September 25, 2015, the Director of the Department of Consumer  
10 and Business Services (“Director”) served Rodrigo Diaz (“Diaz”) with a Notice of  
11 Proposed Action (“Notice”).

12 The Notice provided Diaz will certain advisements and rights, including: it  
13 advised that the Director intended to revoke Diaz’s Non-Resident Insurance Producer  
14 License (“License”); it afforded Diaz an opportunity for a hearing if request was made  
15 within 60 days; it stated that if a hearing was not conducted, a default order would issue;  
16 and finally, it advised that the designated portion of the Director’s file and all materials  
17 submitted by Diaz in this case, would automatically become part of the contested case  
18 record for the purpose of proving a *prima facie* case.

19 Having received no request for a hearing, the Director makes the following  
20 Findings of Fact, Conclusions of Law, Orders, and Notice of Right to Judicial Review.

21 **I. FINDINGS OF FACT**

22 The Director FINDS that all times relevant to this Final Order:

23 1. Diaz was as a Non-Resident Insurance Producer in Oregon from November  
24 21, 2012 to May 31, 2015 (License Number 0016832030). Diaz’s business address was  
25 1463 Frio Run, San Antonio, Texas, 78245-9585.

26 2. Nationwide Mutual Insurance Company terminated Diaz for cause, on April 2,

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



1 2014, after discovering Diaz purportedly misused a consumer's credit card for his  
2 personal benefit.

3 3. On June 5, 2014, the State of Iowa revoked Diaz's Resident Insurance  
4 Producer License. Subsequently, Diaz's producer licenses were revoked in Minnesota,  
5 Kansas, Maine, Ohio, California, Vermont, North Dakota, Idaho, Wyoming, and New  
6 York. Diaz did not report these revocations to the Director.

7 4. On December 11, 2014, the Division sent an inquiry letter to Diaz's electronic  
8 mail address, requesting a response by January 12, 2015. Diaz did not respond.

9 5. On or about September 25, 2015, the Director served the Notice upon Diaz by  
10 certified mail at 1463 Frio Run, San Antonio, Texas; the business address on file with the  
11 Director.<sup>1</sup>

## 12 II. CONCLUSIONS OF LAW

13 The Director CONCLUDES that:

14 6. Paragraphs 1-5 are incorporated.

15 7. Under ORS 744.011(1), the Director has jurisdiction to investigate and take  
16 disciplinary action against Diaz.

17 8. Under ORS 731.296, a licensee must promptly and truthfully reply to  
18 inquiries made by the Director. Diaz violated ORS 731.296 by not replying to the  
19 Director's inquiry of December 11, 2014.

20 9. Under ORS 744.089(1), an insurance producer must report to the Director any  
21 administrative action(s) within 30 days of the final disposition of the matter. Diaz  
22 violated ORS 744.089(1) by failing to notify the Director of the administrative actions  
23 taken against his license by other states.

24 10. Under ORS 744.074(1)(b), the Director may revoke the license of any  
25

26 <sup>1</sup> Service was obtained by certified mail return receipt requested (United States Postal Service Article Number 7014-2120-0001-8264-8674). The signed return was dated September 25, 2015.



1 licensee who violates any insurance law. ORS 744.089(1) and ORS 731.296 are both  
2 insurance laws.

3 11. Under ORS 744.074(1)(i), the Director may revoke the license of any licensee  
4 who has had their insurance producer license revoked by another state.

5 **III. ORDERS**

6 Now, therefore, the Director Orders:

7 12. Pursuant to ORS 731.252(1), the Director ORDERS Diaz to CEASE AND  
8 DESIST from violating any provision of the Insurance Code or the administrative rules  
9 promulgated thereunder.

10 13. Pursuant to ORS 744.074(1)(b) and ORS 744.074(1)(i), the Director  
11 REVOKES Diaz's Non-Resident Insurance Producer License.

12 SO ORDERED this 20th day of May, 2016.

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

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

19 **NOTICE OF RIGHT TO JUDICIAL REVIEW**

20 You are entitled to judicial review of this order in accordance with ORS 183.482.

21 You may request judicial review by filing a petition with the Court of Appeals in Salem,  
22 Oregon, within 60 days from the date this order is served. Date of service is the date on  
23 which the agency delivered or mailed its order in accordance with ORS 183.470.

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