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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-16-0132

5 JAMES D. PALMER,

FINAL ORDER

6 Applicant.

7
8 On March 28, 2016, the Director of the Department of Consumer and Business
9 Services (“Director”), by and through the Division of Financial Regulation (“Division”),
10 formerly the Insurance Division, properly served notice (“Notice”) on James D. Palmer
11 (“Applicant”) that the Director intended to issue an order denying Applicant’s resident
12 insurance producer license application.

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 a resident insurance producer license (“License”) on or

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





1 around August 21, 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
4 misdemeanor or felony.

5 3. During review of the application, the Division learned that Applicant was
6 arrested for vehicle theft, Case No. 90-4732, in Salinas, California on or around March
7 16, 1990. The criminal background check completed by the Division revealed only the
8 arrest and no disposition was listed.

9 4. On September 3, 2015, the Division requested details regarding the 1990
10 arrest for vehicle theft. Applicant responded with only an explanation that he was
11 sentenced to probation for driving a loaned car. No other details were provided. On
12 September 9, 2015, the Division requested a copy of the charging document, sentencing
13 document and an explanation of the circumstances surrounding the incident. The
14 Division set a response deadline of October 7, 2015. Applicant did not respond to the
15 Division's request.

16 5. On March 28, 2016, the Division properly served notice on Applicant that the
17 Director intended to deny Applicant's resident insurance producer license application.
18 Applicant had 60 days to timely request a hearing. The Division did not receive a request
19 for hearing from Applicant.

20 CONCLUSIONS OF LAW

21 The Director CONCLUDES that:

22 6. Accurate information about Applicant's history of criminal conviction is
23 material to the Director's decision whether to issue a License.

24 7. Applicant's failure to timely respond to the Division's request for information
25 to complete the application has resulted in Applicant's application being incomplete.

26 8. Under ORS 744.074(1)(a), the Director may refuse to issue an insurance

1 producer license and may take other actions authorized by the Insurance Code in lieu
2 thereof or in addition thereto, if an applicant provides incorrect, misleading, incomplete
3 or materially untrue information in the license application.

4 ORDERS

5 Now, therefore, the Director issues the following Orders:

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

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

11 SO ORDERED this 6th day of June _____, 2016.

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

14
15 /s/ David Tatman
16 David C. Tatman, Chief of Enforcement
17 Division of Financial Regulation

18 NOTICE OF RIGHT TO JUDICIAL APPEAL

19 You are entitled to judicial review of this order in accordance with ORS 183.482.
20 You may request judicial review by filing a petition with the Court of Appeals in Salem,
21 Oregon, within 60 days from the date this order is served.

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