

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

In the Matter of:

Case No. INS-16-0209

MARK CLAYTON,

Respondent.

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

On May 6, 2016, the Director of the Department of Consumer and Business Services (“Director”), by and through the Division of Financial Regulation (“Division”), properly served Notice on Mark Clayton (“Respondent”) that the Director intended to revoke Respondent’s Resident Insurance Producer License.

The Notice offered Respondent an opportunity for a hearing, if requested within 30 days. The Notice further informed Respondent that if a hearing was not conducted because Respondent did not timely request a hearing or otherwise defaulted, then the designated portion of the Director’s file and all materials submitted by Respondent in this case would automatically become part of the contested case record for the purpose of proving a *prima facie* case.

The Director did not receive from Respondent a request for a hearing and did not conduct a hearing.

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

The Director makes the following Findings of Fact, Conclusions of Law, Orders, and Notice of Right to Judicial Appeal.

FINDINGS OF FACT

The Director FINDS that:

1. Respondent had been licensed as a Resident Insurance Producer since April 1,

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



1 2002 until December 31, 2014 when the license expired. Respondent's national producer
2 number is 6245531.

3 2. While employed at TVP Investments, LLC (dba Next Auto) Respondent sold
4 an extended service contract in relation to the sale of a car. Respondent collected the
5 premium amount of \$2,225 for the extended service contract on April 11, 2013.

6 3. The consumer who purchased the extended service contract attempted to file a
7 claim with the service contract provider, but it was discovered that the premium and
8 service contract application were never forwarded from Next Auto to the service contract
9 provider.

10 4. Next Auto subsequently went out of business around July of 2013, and
11 Respondent was no longer employed by Next Auto as of July of 2013.

12 5. On June 24, 2014, the Division sent an inquiry to Respondent, with the
13 response due by July 24, 2014.

14 6. In a phone conversation with the Division on July 11, 2014, Respondent
15 informed the Division that he was hired by Roe Motors a "few months ago." Respondent
16 failed to notify the Director of the change in the telephone number and address of his
17 principal place of business.

18 7. After speaking on the phone with Respondent on July 11, 2014, the Division
19 informed Respondent that he would still need to submit a complete written response to
20 the Division's inquiry. The Division did not receive a complete written response to the
21 original inquiry. The Division sent another inquiry to Respondent requesting a response
22 by August 1, 2014.

23 8. Respondent failed to fully respond to both inquiries.

24 CONCLUSIONS OF LAW

25 The Director CONCLUDES that:

26 9. Under ORS 744.011(1), the expiration of a license or the voluntary surrender



1 of a license shall not deprive the Director of jurisdiction to proceed with any investigation
2 of, or any action or disciplinary proceedings against, the licensee or to revise or render
3 void an order suspending or revoking the license.

4 10. Under ORS 744.068(4)(a), insurance producers must notify the Director of a
5 change of address or telephone number no later than the 30th day after the change.
6 Respondent failed to notify the Director of his change of address within 30 days when he
7 admitted that he had changed employment a “few months ago.”

8 11. Under ORS 731.296, any licensee must promptly and truthfully reply to
9 Director’s inquiries. Respondent failed to respond adequately to the Director’s inquiries
10 on two occasions.

11 12. Under ORS 744.074(1)(b), the Director may revoke an insurance producer
12 license if that licensee violates any insurance laws.

13 ORDER

14 Now therefore, the Director issues the following Orders:

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

18 The Director, pursuant to ORS 744.074(1)(b), hereby REVOKES Respondent’s
19 Resident Insurance Producer License.

20 SO ORDERED this 27th day of June, 2016 in Salem,
21 Oregon.

22 PATRICK M. ALLEN, Director
23 Department of Consumer and Business Services

24
25 /s/ David Tatman
26 David C. Tatman, Chief of Enforcement
Division of Financial Regulation

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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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