

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

In the Matter of:

Case No. INS-16-0220

KENDALL K. FOX,

Respondent.

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

On June 3, 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 Kendall K. Fox (“Respondent”) that the Director intended to revoke Respondent’s non-resident insurance producer license.

The Notice offered Respondent an opportunity for a hearing, if requested within 20 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 a hearing request from Respondent 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 has a non-resident individual insurance producer license

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Labor and Industries Building
350 Winter Street NE, Suite 410
Salem, OR 97301-3881
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1 (“license”) issued in Oregon, which expires on March 31, 2017. Respondent’s national
2 producer number is 17421728.

3 2. The Oregon Division of Financial Regulation (“the Division”) has received
4 information indicating Respondent was the subject of an administrative action in
5 Respondent’s home state of Tennessee (“the Tennessee administrative action”). During
6 the Division’s investigation, it was discovered that the Tennessee administrative action
7 was taken against Respondent after Respondent defaulted on Respondent’s student
8 loans. The Tennessee administrative action became effective on or about April 27,
9 2015, and Respondent’s insurance producer license issued in Tennessee was suspended
10 indefinitely.

11 3. Respondent did not notify the Director regarding the Tennessee administrative
12 action and did not provide the Director any of the required documents.

13 4. On or about March 30, 2016, the Division sent a letter and an email to the
14 Respondent requesting a copy of the Tennessee administrative order, an explanation
15 regarding the incident, and other information. The Division set a response deadline of
16 May 2, 2016.

17 5. Respondent has not responded to the Division’s requests for information and
18 has not provided the requested information.

20 CONCLUSIONS OF LAW

21 The Director CONCLUDES that:

22 6. ORS 744.089(1) states that no later than the 30th day after the date of the final
23 disposition, an insurance producer shall report to the Director any administrative action
24 taken against the insurance producer in another jurisdiction. The report shall include a
25 copy of the order, consent to order and other relevant legal documents.

26 7. By not providing the Director the required notice of the Tennessee

1 administrative action and by not providing the Director a copy of the order and other
2 relevant legal documents, Respondent violated ORS 744.089(1).

3 8. Under ORS 744.074(1)(b), the Director may place a licensee on probation or
4 suspend, revoke or refuse to issue or renew an insurance producer license and may take
5 other actions authorized by the Insurance Code for anyone violating any insurance
6 laws, or violating any rule.

7
8 **ORDERS**

9 Now therefore, the Director issues the following Orders:

10 9. As authorized by ORS 731.252(1), the Director ORDERS Respondent to
11 CEASE AND DESIST from violating any provision of the Oregon Insurance Code or the
12 administrative rules promulgated thereunder.

13 10. The Director, pursuant to ORS 744.074, hereby REVOKES Respondent's
14 non-resident insurance producer license.

15 SO ORDERED this 1st day of July, 2016 in Salem,
16 Oregon.

17
18 PATRICK M. ALLEN, Director
19 Department of Consumer and Business Services

20 /s/ David Tatman
21 David C. Tatman, Chief of Enforcement
22 Division of Financial Regulation

23 **NOTICE OF RIGHT TO JUDICIAL APPEAL**

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

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