

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

In the Matter of:

Case No. INS-16-0249

NYATEN GAYE,

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

Licensee.

On June 30, 2016, the Director of the Department of Consumer and Business Services (“Director”), by and through the Division of Financial Regulation (“Division”), properly served notice (“Notice”) on Nyaten Gaye (“Licensee”) that the Director intended to issue an order revoking Licensee’s nonresident insurance producer license.

The Notice offered Licensee an opportunity for a hearing if requested within 20 days of service of the Notice. The Notice further informed Licensee that if a hearing was not conducted because Licensee did not timely request a hearing or otherwise defaulted, then the designated portion of the Division’s file and all materials submitted by Licensee 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 Licensee 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.

Now, therefore, after considering the relevant portions of the Division’s file relating to this matter, the Director finds and orders as follows.

FINDINGS OF FACT

The Director FINDS that:

1. Licensee has been a licensed nonresident individual insurance producer since around November 13, 2013. Licensee’s national producer number is 16555755.

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





1 2. On or around July 10, 2003, Licensee was convicted of theft by unauthorized
2 taking or transfer, a misdemeanor, in Docket No. BIDDC-CR-2003-01687 in Maine.

3 3. Licensee failed to disclose the Maine conviction on his 2013 Oregon
4 nonresident insurance producer license application.

5 4. Administrative action has been taken against Licensee in other jurisdictions as
6 follows:

7 A. On or around May 28, 2014, the Kentucky Department of Insurance issued an
8 Order of Revocation against Licensee, File No. 2014-0106, revoking Licensee's
9 Kentucky license.

10 B. On or around June 11, 2014, the Georgia Commissioner of Insurance issued
11 an Order of License Suspension against Licensee, Case No. 11013421, suspending
12 Licensee's Georgia license.

13 C. On or around June 12, 2014, the Iowa Insurance Commissioner issued a
14 Default Order of Revocation, Cease and Desist and Civil Penalty against Licensee,
15 Division File No. 83030, revoking Licensee's Iowa license and imposing a \$500 civil
16 penalty.

17 D. On or around June 27, 2014, the Washington Insurance Commissioner issued
18 an Order Revoking License against Licensee, No. 14-0144, revoking Licensee's
19 Washington license.

20 E. On or around July 11, 2014, the North Dakota Insurance Commissioner issued
21 a Findings of Fact, Conclusions of Law, and Default Order against Licensee, Case No.
22 AG-14-476, revoking Licensee's North Dakota license.

23 F. On or around September 25, 2014, the New Jersey Department of Banking
24 and Insurance issued a Consent Order against Licensee, Order No. E14-108, revoking
25 Licensee's New Jersey license.

26 G. On or around January 28, 2015, the Arkansas Insurance Commissioner issued

1 a Revocation Order, A.I.D. No. 2015-013, revoking Licensee's Arkansas license.

2 H. On or around February 27, 2015, the Ohio Department of Insurance issued a
3 Findings, Order and Journal Entry against Licensee, No. 19668, revoking Licensee's
4 Ohio license.

5 I. On or around June 10, 2015, the Nebraska Department of Insurance issued a
6 Findings of Fact, Conclusions of Law, Recommended Order and Order against Licensee,
7 Cause No. A-2013, revoking Licensee's Nebraska license.

8 5. As of the date of this Order, Licensee has not reported the abovementioned
9 administrative actions to the Director.

10 6. On June 30, 2016, the Division properly served notice on Licensee that the
11 Director intended to revoke Licensee's nonresident insurance producer license. Licensee
12 had 20 days to timely request a hearing. The Division did not receive a request for
13 hearing from Licensee.

14 CONCLUSIONS OF LAW

15 The Director CONCLUDES that:

16 7. Under ORS 731.252(1), whenever the Director has reason to believe that any
17 person has been engaged or is engaging or is about to engage in any violation of the
18 Insurance Code, the Director may issue an order to discontinue or desist from such
19 violation or threatened violation.

20 8. Licensee's representation in his application that he had never been convicted
21 of a misdemeanor or felony was incorrect, misleading, incomplete or materially untrue.

22 9. Under ORS 744.074(1)(a), the Director may revoke an insurance producer
23 license for providing incorrect, misleading, incomplete or materially untrue information
24 in the license application.

25 10. Under ORS 744.089(1), insurance producers must report to the Director any
26 administrative action taken against the insurance producer in another jurisdiction not later



1 than the 30th day after the date of the final disposition of the matter. Licensee violated
2 ORS 744.089(1) by failing to report to the Director the administrations actions described
3 in paragraph 4 above.

4 11. Under ORS 744.074(1)(b), the Director may revoke an insurance producer
5 license for violating any insurance laws.

6 12. Under ORS 744.074(1)(i), the Director may revoke an insurance producer
7 license for cancellation, revocation, suspension or refusal to renew by any state of a
8 license or other evidence of authority to act as an adjuster or insurance producer or
9 consultant.

10 ORDERS

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

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

15 14. Based upon the foregoing and in accordance with ORS 744.074(1)(a), ORS
16 744.074(1)(b) and ORS 744.074(1)(i) the Director hereby REVOKES Licensee's
17 nonresident insurance producer license.

18 SO ORDERED this 5th day of August, 2016.

19
20 PATRICK M. ALLEN, Director
21 Department of Consumer and Business Services

22 /s/ David Tatman
23 David C. Tatman, Chief of Enforcement
24 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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