

1
2 STATE OF OREGON
3 DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
4 DIVISION OF FINANCIAL REGULATION

4 In the Matter of:

Case No. INS-16-0151

5 KYLE J. SAENZ,

FINAL ORDER TO CEASE AND
DESIST AND ORDER DENYING
LICENSE APPLICATION, ENTERED
BY DEFAULT

6 Applicant.

7
8 On June 8, 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 Kyle J. Saenz
11 (“Applicant”) that the Director intended to issue an order denying Applicant’s
12 nonresident 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 an Oregon nonresident insurance producer license

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





1 (“License”) on or around February 16, 2015. Applicant’s national producer number is
2 16706411.

3 2. As part of the application process, Applicant completed and submitted to the
4 Division, an application form indicating that he had never been convicted of a
5 misdemeanor.

6 3. During review of the application, the Division learned that Applicant was
7 convicted of disorderly conduct, a misdemeanor, in California on January 16, 2007.

8 4. As part of the application process, Applicant completed and submitted to the
9 Division an application form indicating that he had never been named or involved as a
10 party in an administrative proceeding.

11 5. During review of the application, the Division learned that Applicant was
12 involved in a California administrative proceeding, LBB 6120-AP, on June 27, 2012,
13 which resulted in a restricted license.

14 6. After the application was filed, and the prior administrative proceeding and
15 misdemeanor conviction were discovered, Applicant admitted to being the subject of both
16 and provided the requested documentation and details surrounding the incidents.

17 7. On March 28, 2016, the Division offered by means of a Consent Order to
18 issue the License subject to a civil penalty. Applicant, through lack of response, declined
19 the issuance of his License subject to a civil penalty.

20 8. On June 8, 2016, the Division properly served notice on Applicant that the
21 Director intended to deny Applicant’s nonresident insurance producer license application.
22 Applicant had 60 days to timely request a hearing. The Division did not receive a request
23 for hearing from Applicant.

24 **CONCLUSIONS OF LAW**

25 The Director CONCLUDES that:

26 9. Accurate information about Applicant’s history of criminal conviction and

1 history of administrative action is material to the Director's decision whether to issue a
2 License.

3 10. Applicant's representation in his application that he had had never been
4 convicted of a misdemeanor and had never been named or involved as a party in an
5 administrative proceeding was incorrect, misleading, incomplete or materially untrue.

6 11. Under ORS 744.074(1)(a), the Director may refuse to issue an insurance
7 producer license and may take other actions authorized by the Insurance Code in lieu
8 thereof or in addition thereto, if an applicant provides incorrect, misleading, incomplete
9 or materially untrue information in the license application.

10 ORDERS

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

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

15 13. The Director, pursuant to ORS 744.074(1)(a), hereby DENIES Applicant's
16 application for a nonresident insurance producer license.

17 SO ORDERED this 15th day of August, 2016.

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

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

24 *[The remainder of this page intentionally left blank.]*
25
26

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



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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.

[The remainder of this page intentionally left blank.]

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

