

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-16-0126

5 STEPHEN C. ROGERS,

6 Applicant.

7
8 FINAL ORDER TO CEASE AND
9 DESIST AND ORDER DENYING
10 LICENSE APPLICATION, ENTERED
11 BY DEFAULT

12 On March 28, 2016, the Director of the Department of Consumer and Business
13 Services (“Director”), by and through the Division of Financial Regulation, formerly the
14 Insurance Division (“Division”), properly served notice (“Notice”) on Stephen C. Rogers
15 (“Applicant”) that the Director intended to issue an order denying Applicant’s resident
16 insurance producer license application.

17 The Notice offered Applicant an opportunity for a hearing if requested within 60
18 days of service of the Notice. The Notice further informed Applicant that if a hearing
19 was not conducted because Applicant did not timely request a hearing or otherwise
20 defaulted, then the designated portion of the Division’s file and all materials submitted by
21 Applicant in this case would automatically become part of the contested case record for
22 the purpose of proving a prima facie case.

23 The Director did not receive from Applicant a request for a hearing and did not
24 conduct a hearing.

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

26 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. 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 May 6, 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 military
4 offense.

5 3. During review of the application, the Division learned that Applicant was
6 convicted of 2 counts of unlawful entry while serving in the United States Army at Fort
7 Riley, Kansas in 1986.

8 4. On May 13, 2015, the Division sent a letter to Applicant requesting a copy of
9 the military convictions and an explanation of the circumstances that lead to the
10 convictions. The Division set a response deadline of June 3, 2015. Applicant did not
11 timely respond to the Division's request.

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

16 CONCLUSIONS OF LAW

17 The Director CONCLUDES that:

18 6. Accurate information about Applicant's history of conviction of military
19 offenses is material to the Director's decision whether to issue a License.

20 7. Applicant's representation in his application that he had never been convicted
21 of a military offense was incorrect, misleading, incomplete or materially untrue.

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

26 9. Applicant's failure to timely respond to the Division's request for information



1 to complete the Applicant's application resulted in the application being incomplete.

2 ORDERS

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

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

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

9 SO ORDERED this 14th day of September, 2016.

10 PATRICK M. ALLEN, Director
11 Department of Consumer and Business Services

12
13 /s/ TK Keen
14 TK Keen, Deputy Administrator
15 Division of Financial Regulation

16 NOTICE OF RIGHT TO JUDICIAL APPEAL

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

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