

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

In the Matter of:

Case No. INS-16-0245

DIEN DANG and INSURANCE PLUS LLC,

ORDER TO CEASE AND DESIST,
FINAL ORDER ASSESSING CIVIL
PENALTY AND CONSENT TO
ENTRY OF ORDER

Respondents.

The Director of the Department of Consumer and Business Services for the State of Oregon (“Director”), acting in accordance with Oregon Revised Statutes (“ORS”) chapters 731, 732, 733, 734, 735, 737, 742, 743, 743A, 744, 746, 748 and 750 (“Insurance Code”) and specifically ORS 744.074, has conducted an investigation into the resident insurance producer licenses of Dien Dang (“Dang”) and Insurance Plus LLC (“Insurance Plus”).

Dang and Insurance Plus (collectively “Respondents”) wish to resolve and settle this matter with the Director.

Now, therefore, as evidenced by the signature(s) subscribed on this Order, Respondents hereby CONSENT to entry of this Order.

FINDINGS OF FACT

The Director FINDS that:

1. Dang has been a licensed resident insurance producer since July 30, 2007. Dang’s national producer number is 9173058.
2. Insurance Plus has been a licensed resident insurance producer since June 7, 2013. Insurance Plus’ national producer number is 16980266.
3. Dang is the Designated Responsible Licensed Producer for Insurance Plus.
4. On or around September 17, 2014, Dang completed the Agent and Broker

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





1 Individual Marketplace and SHOP Marketplace Curriculum, Plan Year 2015 and
2 received a Certificate of Completion evidencing the completed training. A Certificate of
3 Completion is issued as evidence of an insurance producer completing required training
4 and registration before selling through a Federally Facilitated Marketplace system.

5 5. In or around August 2015, Respondents submitted a Certificate of Completion
6 to Moda Health showing that Insurance Plus had successfully completed the Agent and
7 Broker Individual Marketplace and SHOP Marketplace Curriculum, Plan Year 2015.
8 Moda Health submitted the Certificate of Completion for Insurance Plus to the Center for
9 Medicare & Medicaid Services (“CMS”) for review. CMS determined that the certificate
10 was not authentic.

11 6. On August 31, 2015, Moda Health contacted the Oregon Insurance Division,
12 now the Division of Financial Regulation (“Division”), and informed the Division that
13 Respondents submitted an unauthentic Certificate of Completion to Moda Health.

14 7. On September 1, 2015, the Division sent an inquiry letter to Respondents and
15 requested an explanation regarding the circumstances surrounding the Insurance Plus
16 Certificate of Authority submitted to Moda Health.

17 8. On September 23, 2015, Dang sent a written response to the Division and
18 admitted that Respondents submitted an altered Certificate of Authority on behalf of
19 Insurance Plus. Dang explained that he considered Dang and Insurance Plus to be the
20 same agency and submitted the altered Certificate of Authority in order to retain
21 commissions that Insurance Plus had earned.

22 CONCLUSIONS OF LAW

23 The Director CONCLUDES that:

24 9. Under ORS 731.252(1), whenever the Director has reason to believe that any
25 person has been engaged or is engaging or is about to engage in any violation of the
26 Insurance Code, the Director may issue an order to discontinue or desist from such

1 violation or threatened violation.

2 10. Under ORS 744.074(1)(h), the Director may revoke an insurance producer
3 license for using fraudulent, coercive or dishonest practices. Respondents' submission to
4 Moda Health of an altered Certificate of Authority is fraudulent, coercive or dishonest.

5 11. Under ORS 746.100, no person shall make a false or fraudulent statement or
6 representation for the purpose of obtaining a fee, commission, money or benefit from an
7 insurer. Respondents' submission of an altered Certificate of Authority to Moda Health
8 for the purpose of retaining commissions was false or fraudulent.

9 12. Under ORS 731.988(1) the Director may impose a civil penalty of up to
10 \$10,000 per violation upon any person who violates a provision of the Insurance Code.

11 **ORDERS**

12 Now therefore, the Director issues the following Orders:

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

16 14. Based upon the foregoing and in accordance with ORS 731.988(1), the
17 Director ORDERS Respondents to pay a CIVIL PENALTY of \$500 for violating ORS
18 746.100.

19 15. The \$500 CIVIL PENALTY assessed herein is due and payable at the time
20 this Order is returned to the Division.

21 SO ORDERED this 30th day of September, 2016.

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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CONSENT TO ENTRY OF ORDER

I, Dien Dang, state that I have read the foregoing Order and that I know and fully understand the contents hereof; that the factual allegations stated herein are true and correct; that I have been advised of my right to a hearing, and that I have been advised of my right to be represented by counsel in this matter; that I voluntarily consent to the entry of this Order without any force or duress, expressly waiving any right to a hearing in this matter, as well as any rights to administrative or judicial review of this Order; that I understand that the Director reserves the right to take further actions against me to enforce this Order or to take appropriate action upon discovery of other violations of the Insurance Code by me; and that I will fully comply with the terms and conditions stated herein.

I understand that this Order is a public document.

/s/ Dien Dang

Signature

State of Oregon

County of Multnomah

Signed or attested before me on this 27th day of September, 2016

by Dien Dang.

/s/ Callie Anne Armstrong

Notary Public

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ENTITY CONSENT TO ENTRY OF ORDER

I, Dien Dang, state that I am an officer of Insurance Plus LLC and I am authorized to act on its behalf. I have read the foregoing Order, and I know and fully understand the contents hereof. I have been advised of the right to a hearing and of the right to be represented by counsel in this matter. Insurance Plus LLC voluntarily and without any force or duress consents to the entry of this Order expressly waiving any right to a hearing in this matter. Insurance Plus LLC understands that the Director reserves the right to take further actions to enforce this Order or to take appropriate action upon discovery of other violations of the Oregon Insurance Code. Insurance Plus LLC will fully comply with the terms and conditions stated herein.

Insurance Plus LLC further assures the Director that neither Insurance Plus LLC nor its officers, directors, employees, or agents will transact insurance in Oregon unless such activities are in full compliance with the Oregon Insurance Code. Insurance Plus LLC understands that this Consent Order is a public document.

Dated this 27th of September 2016.

/s/ Dien Dang
Signature

Member
Office Held

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ENTITY ACKNOWLEDGMENT

There appeared before me this 27th day of September,
2016, Dien Dang, who was first duly sworn on oath, and
stated that he was and is an officer of Insurance Plus LLC and that he/she is authorized
and empowered to sign this Consent to Entry of Order on behalf of Insurance Plus LLC
and to bind Insurance Plus LLC to the terms hereof.

/s/ Callie Anne Armstrong
Notary Public for the State of: Oregon
My commission expires: 11/05/18

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