

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

In the Matter of:

Case No. INS-16-0338

TERRA ADMINISTRATORS, INC.,

Respondent.

FINAL ORDER TO CEASE AND  
DESIST, SUSPENDING LICENSE,  
AND ASSESSING CIVIL PENALTY,  
ENTERED BY DEFAULT

On October 13, 2016, 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*”), issued Administrative Order No. INS-16-0338, AMENDED ORDER TO CEASE AND DESIST, NOTICE OF PROPOSED ORDER SUSPENDING LICENSE AND ASSESSING CIVIL PENALTY, AND OPPORTUNITY FOR HEARING (the “*Amended Notice Order*”) against Terra Administrators, Inc. (“*Respondent*”).

On October 13, 2016, the Amended Notice Order was sent to Respondent by certified United States Mail, postage prepaid and return receipt requested, to the following addresses: the registered agent for Respondent, National Registered Agents, Inc., 388 State Street, Suite 420, Salem, OR 97301 (Article No. 7014 2870 0000 7538 1124), and; the mailing address and principal place of business of Respondent, 1111 Brickell Avenue #2600, Miami, FL 33131 (Article No. 7014 2870 0000 7538 1117). The Director received signed certified mail receipts from the above addressees.

On October 13, 2016, the Amended Notice Order was also sent to Respondent by first class mail to the same addresses, and by electronic mail to the following email

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



1 address: licensing@terraadministrators.com. Respondent did not timely or properly  
2 request a hearing.

3 In accordance with ORS 183.417(4) and OAR 137-003-0670(3), the Amended  
4 Notice Order designates the file of the Oregon Division of Financial Regulation,  
5 including all material submitted by Respondent, as the record for the purpose of making a  
6 prima facie case in the event that the Director entered a final order against Respondent by  
7 default.

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

9 Now, therefore, after consideration of the record, the Director issues the following  
10 Findings of Fact, Conclusions of Law, and Final Order.

#### 11 FINDINGS OF FACT

12 The Director FINDS that:

13 1. Respondent has been licensed by the Director, by and through the Division of  
14 Financial Regulation, previously known as the Insurance Division (collectively the  
15 “*Division*”), as an Oregon third party administrator since November 28, 2012.  
16 Respondent’s License expires on November 30, 2016. Respondent’s NAIC license  
17 number is 100171353.

18 2. Respondent was licensed as a third party administrator in Oregon for the  
19 entire 2015 calendar year.

20 3. Respondent did not file its annual report for the 2015 calendar year on or  
21 before the deadline of March 1, 2016.

22 4. The Division reminded Respondent of its annual reporting requirement by  
23 email on July 20, 2016, and advised that if Respondent did not file its 2015 annual report  
24 on or before August 20, 2016 the matter would be referred to enforcement. Respondent  
25 did not file its 2015 annual report by August 20, 2016, and as of the date of this Order  
26 still has not filed its 2015 annual report with the Division.

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1 CONCLUSIONS OF LAW

2 The Director CONCLUDES that:

3 5. A person may not transact business or purport or offer to transact business as a  
4 third party administrator in Oregon unless the person is licensed by the Director, by and  
5 through the Division, as a third party administrator. ORS 744.702.

6 6. Respondent is licensed with the Division as a third party administrator.

7 7. Under ORS 744.718(2)(j), the Director may suspend a third party  
8 administrator license if a licensee violates any rule or order of the Director or any  
9 provision of the Insurance Code.

10 8. Under ORS 744.738(1) and Oregon Administrative Rule (“OAR”) 836-075-  
11 0040, Respondent, as a third party administrator licensee in Oregon, was required to file  
12 an annual report with the Division for the 2015 calendar year.

13 9. The deadline for Respondent to file the 2015 annual report with the Division  
14 was March 1, 2016. Respondent did not file its 2015 annual report with the Division on  
15 or before the deadline, in violation of ORS 744.738(1) and OAR 836-075-0040.

16 10. The Director may suspend Respondent’s Oregon third party administrator  
17 license under ORS 744.718(2)(j) on the basis that Respondent violated Insurance Code  
18 provision ORS 744.738(1) and OAR 836-075-0040.

19 11. Under ORS 731.988(1), the Director may assess a civil penalty of up to  
20 \$10,000 against any person that violates a provision of the Insurance Code or any lawful  
21 rule or final order of the Director.

22 12. The Director may assess a civil penalty of \$1,000 against Respondent on the  
23 basis that Respondent violated ORS 744.738(1) and OAR 836-075-0040.

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1 ORDER

2 Now therefore, the Director issues the following Order:

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

6 14. Based upon the foregoing and in accordance with ORS 744.718(2)(j), the  
7 Director hereby SUSPENDS Respondent's Oregon third party administrator license on  
8 the basis that Respondent violated ORS 744.738(1) and OAR 836-075-0040.

9 15. In accordance with ORS 731.988(1), the Director hereby assesses a CIVIL  
10 PENALTY of \$1,000 (One Thousand Dollars) against Respondent for violating ORS  
11 744.738(1) and OAR 836-075-0040.

12 AUTHORITY OF THE DIRECTOR TO SEEK OTHER REMEDIES UNDER  
13 OREGON LAW

14 16. This Order is a "Final Order" under ORS 183.310(6)(b). Subject to that  
15 provision, the entry of this Order does not limit other remedies, sanctions, or actions  
16 which may be available to the Director under Oregon law.

17  
18 SO ORDERED this 7<sup>th</sup> day of November, 2016.

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

21  
22 /s/ David Tatman  
David C. Tatman, Chief of Enforcement  
23 Division of Financial Regulation  
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25  
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NOTICE OF RIGHT TO APPEAL

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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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