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

In the Matter of BRANDON BECKHAM AYLOR, (NPN#18508588) Respondent.	Case No. INS-22-0091 FINAL ORDER TO CEASE AND DESIST, REVOKING LICENSE, DENYING LICENSE APPLICATION, AND ASSESSING CIVIL PENALTIES, ENTERED BY DEFAULT

On August 25, 2022, the Director of the Department of Consumer and Business Services for the State of Oregon ("Director"), acting by and through the Oregon Division of Financial Regulation ("Division"), and in accordance with Oregon Revised Statutes ("ORS") chapters 731, 732, 733, 734, 735, 737, 742, 743, 743A, 743B, 744, 746, 748 and 750 ("Insurance Code") issued and served a Notice Order against Brandon Beckham Aylor ("Aylor"), informing Aylor that the Director proposed to deny the Oregon nonresident insurance producer license renewal application, revoke the nonresident insurance producer license, and asses civil penalties against Aylor for certain violations of the Insurance Code.

The Notice offered Aylor an opportunity for a hearing if requested within 60 days of the Notice. The Notice further informed Aylor that if a hearing were not conducted because Aylor did not timely request a hearing or otherwise defaulted, then the designated portion of the Division's file and all materials submitted by Aylor 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 Aylor a request for a hearing and did not conduct

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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. Aylor is an Iowa resident with his last recorded address at 37 Bluff St. Apt L, Council Bluffs, Iowa 51503.

2. On November 1, 2020, Aylor submitted an application with the Division for a nonresident insurance producer license. In his application, Aylor falsely answered "no" to question 1(a), which asked whether he had ever been convicted of a misdemeanor, had a judgment withheld or deferred, or was currently charged with committing a misdemeanor. Aylor failed to identify numerous misdemeanor convictions he had incurred.[1] Aylor was automatically issued a license based on the false response.

3. On April 27, 2022, California issued an administrative order against Aylor, restricting his state producer license due to his criminal background.

4. On May 12, 2022, Aylor submitted an application with the Division to add a line of authority to his existing license. In this application he answered "yes" to question 1(a) but answered "no" to question 2, which asked whether he had ever been named or involved as a party in an administrative proceeding regarding any professional or occupational license or registration. Aylor failed to identify the California action.

5. On June 15, 2022, the Division contacted Aylor and directed him to provide an

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[1] The convictions include Domestic Assault III, Trespassing, Possession of a Controlled Substance, and Refusing to Comply with a Police Order.

explanation for his false application answers along with documentation of his misdemeanor convictions.

6. On June 21, 2022, Aylor provided a response claiming that the 2020 application had been submitted on his behalf by a third-party and that he had failed to review it before submission. He also claimed the company "thought it would get him approved quicker" to submit the false application, but didn't elaborate on when or how he had come by that information. In addition, Aylor failed to provide all required documentation of his convictions, including final disposition documents.

CONCLUSIONS OF LAW

The Director CONCLUDES that

7. ORS 744.074(1)(a) authorizes the Director to place a licensee on probation or to suspend, revoke or refuse to issue or renew a license for providing incorrect, misleading, incomplete or materially untrue information in the license application. Aylor violated ORS 744.074(1)(a) when he submitted two applications with false information regarding his criminal background and prior administrative action, thereby authorizing the Director to revoke Aylor's license and deny his May 2022 license application.

8. Under ORS 731.296, the Director may address any proper inquiries to any insurer, licensee or its officers in relation to its activities or condition or any other matter connected with its transactions. Any such person so addressed shall promptly and truthfully reply to such inquiries using the form of communication requested by the Director. The reply shall be verified by an officer of such person, if the Director so requires. Aylor violated ORS 731.296 when he failed to provide the requested documentation regarding his misdemeanor convictions, as set forth in Paragraphs five through six above.

9. ORS 744.074(1)(b) authorizes the Director to place a licensee on probation or to suspend, revoke or refuse to issue or renew a license for violating any insurance laws.

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Aylor's violation of ORS 731.296 authorizes the Director to revoke Aylor's license and deny his license application, pursuant to ORS 744.074(1)(b).

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10. Under ORS 731.252(1), whenever the Director has reason to believe that any person has been engaged or is engaging or is about to engage in any violation of the Insurance Code, the Director may issue an order to discontinue or desist from such violation or threatened violation. Because the Director has reason to believe that Aylor committed the foregoing violation of ORS 731.296, the Director may issue an order to Aylor to cease and desist, pursuant to ORS 731.252(1).

11. ORS 731.988(1) authorizes the Director to impose civil penalties against an individual insurance producer in the amount up to $1,000 per violation for any violation of the Insurance Code, including violations of ORS 744.074 and 731.296.

ORDERS

The Director issues the following ORDERS:

12. Pursuant to ORS 731.252(1), the Director hereby ORDERS Aylor to CEASE AND DESIST from violating any provision of the Insurance Code, or any administrative rule adopted by the Director under those statutes.

13. Pursuant to ORS 744.074(1)(a) and (b), the Director hereby DENIES Aylor's application to add a line of authority to his nonresident individual insurance producer license.

14. Pursuant to ORS 744.074(1)(a) and (b), the Director hereby REVOKES Aylor's nonresident individual insurance producer license.

15. In accordance with ORS 731.988(1), the Director ORDERS that Aylor be subject to a CIVIL PENALTY of $500 for violating ORS 744.074(1)(a) and (b), and ORS 731.296.

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FINAL ORDER

16. This Order is a "Final Order" under ORS 183.310(6)(b). Subject to that provision, the entry of this Order does not limit other remedies that are available to the Director under Oregon law.

SO ORDERED this 25th day of October, 2022.

Andrew R. Stolfi, Director
Department of Consumer and Business Services

/s/Dorothy Bean
Dorothy Bean, Chief of Enforcement
Division of Financial Regulation

NOTICE OF RIGHT TO JUDICIAL APPEAL

Judicial review of final orders in contested cases is governed by ORS 183.482. Respondent 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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