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

In the Matter of: JARRETT JHERYL WHITE, Respondent.	Case No. INS-22-0052 FINAL ORDER TO CEASE AND DESIST, ASSESSING CIVIL PENALTY AND DENYING LICENSE APPLICATION, ENTERED BY DEFAULT

On June 28, 2022, the Director of the Department of Consumer and Business Services for the State of Oregon ("Director"), by and through the Division of Financial Regulation ("Division"), served an Order to Cease and Desist, Proposed Order Assessing Civil Penalty, and Proposed Order Denying License Application, and Notice of Right to An Administrative Hearing (the "Notice") on Jarrett Jheryl White ("White" or "Respondent").

The Notice offered Respondent an opportunity for a hearing if requested within 20 days of service of the Notice. The Notice further informed Respondent that if a hearing was not conducted because Respondent did not timely request a hearing or otherwise defaulted, then the designated portion of the Division's file and all materials submitted by Respondent 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 Respondent a request for a hearing and has not conducted 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.

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FINDINGS OF FACT

The Director FINDS that:

1. Respondent applied for an Oregon non-resident insurance producer license ("License") on or around January 13, 2022.

2. As part of the application process, Respondent submitted to the Division an application form that contained questions about prior convictions.

3. In response to Question 1a of the application, which asks: "Have you ever been convicted of a misdemeanor, had a judgment withheld or deferred, or are you currently charged with committing a misdemeanor? You may exclude the following misdemeanor convictions or pending misdemeanor charges: traffic citations, driving under the influence (DUI), driving while intoxicated (DWI), driving without a license, reckless driving, or driving with a suspended or revoked license. Respondent answered yes. He identified an August 20, 2018 conviction for a violation of 8 U.S.C. § 1325 and 18 U.S.C § 2, Aid and Abet an Illegal Alien in case number 18-07393MJ-001-TUC-BPV in the U.S. District Court for the District of Arizona.

4. However, during a review of the application, the Division learned that Respondent had also been charged in approximately May, 2018 with wire fraud under 18 U.S.C. § 1343 in case number 19-mj-30227 in the U.S. District Court for the Eastern District of Michigan. Respondent entered a pretrial diversion agreement on January 31, 2020.

5. After the application was filed, and Respondent's undisclosed criminal matter was discovered, the Division spoke to him and notified him that he must report the criminal matter and provide supporting documents as required on the application.

6. To date, Respondent has only sent the post-deferral dismissal order and no other supporting documents related to the undisclosed criminal matter.

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7. Respondent also failed to answer question 2 of the License application accurately, which asks whether the applicant has "ever been named or involved as a party in an administrative proceeding." He failed to report that he was subject to a February 14, 2022 administrative action by the Kansas Insurance Department, wherein Kansas denied Respondent a non-resident insurance producer license for the August 20, 2018 conviction, but there too, he failed to report his May 2018 criminal matter.

8. On April 1, 2022, while his original application was still pending, Respondent submitted a duplicate application. Like the original application, he failed to provide required documentation for his August 20, 2018 conviction and he failed to report either his May 2018 criminal matter or his February 14, 2022 administrative action.

CONCLUSIONS OF LAW

The Director CONCLUDES that:

9. As authorized by ORS 731.252(1), the Director may order Respondent to CEASE AND DESIST from violating any provision of the Insurance Code or the administrative rules promulgated thereunder.

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

11. Under ORS 744.074(1)(a), the Director may deny Respondent's license application on the basis that Respondent made incorrect, misleading, incomplete or materially untrue information in his original and duplicate application when he failed to disclose the wire fraud charge and resulting diversion discussed in paragraph 4 above, and failed to disclose the administrative action discussed in paragraph 7 above.

12. Under ORS 744.074(1)(b), the Director may refuse to issue an insurance producer license and may take other actions authorized by the Insurance Code in lieu

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thereof or in addition thereto, if an applicant violates any insurance law or rule of the Director.

13. 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.

14. Respondent violated ORS 731.296 when he failed to provide documentation relating to his May 2018 criminal matter. Accordingly, the Director may deny Respondent's license application on the basis of Respondent violating ORS 731.296.

Under ORS 731.988(1) an insurance producer that violates any provision of the Insurance Code shall forfeit and pay the General Fund of the State Treasury a civil penalty in an amount determined by the director that may not exceed $1,000 for each offense.

ORDERS

Now therefore, the Director issues the following Orders to Respondent:

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

16. As authorized by ORS 731.988(1) the Director ORDERS Respondent to FORFEIT AND PAY to the General Fund of the State Treasury a civil penalty of $500.

17. The Director, pursuant to ORS 744.074(1)(a) and (b), hereby DENIES Respondent's application for a resident insurance producer license.

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18. 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 1st day of November, 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

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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