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

In the Matter of: MARTIN L. HUDLER, an Individual, Respondent.	Case No. S-23-0013 FINAL ORDER TO REINSTATE CIVIL PENALTY, ENTERED BY DEFAULT

On March 23, 2023, 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 a Proposed Order to Reinstate Civil Penalty ("Notice") on Martin Hudler ("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.

Respondent's deadline to timely request a hearing was April 12, 2023. On April 13, 2023, at 5:59 PM, Respondent submitted a late hearing request via e-mail. Respondent was given the opportunity to offer explanation or argument as to why the Director should accept his late hearing request. Respondent submitted written explanations and the Director did not find good cause for Respondent's failure to timely request a hearing.

The Director did not conduct a hearing.

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FINDINGS OF FACT

The Director FINDS that:

1. On June 14, 2022, Respondent and the Director entered into a consent order in Division of Financial Regulation ("Division") case number S-18-0049, a true and correct copy of which is attached hereto as Exhibit A (the "Consent Order").

2. Under the Consent Order, Respondent agreed to pay civil penalties imposed by the Director in the total amount of $120,000 (the "Civil Penalties").

3. Under the Consent Order, Respondent agreed that his obligation to pay $80,000 of the Civil Penalties would be suspended only as long as Respondent satisfied certain conditions, including the requirement that Respondent pay the remaining $40,000 according to a designated schedule ("Payment Conditions"). In particular, the Order required Respondent to make eight $5,000 installment payments by the following deadline and dates:

A. Within 30 days of the date the Order was fully executed;

B. September 15, 2022;

C. January 15, 2023;

D. April 15, 2023;

E. September 15, 2023;

F. January 15, 2024;

G. April 15, 2024; and

H. June 15, 2024.

4. Under the Consent Order, Respondent agreed that the Civil Penalties would not be waived if Respondent failed to comply with any term set forth in the Order.

5. Respondent's initial payment was due within 30 days of the date the Consent Order was fully executed, or July 14, 2022. Respondent did not make the payment until on or around July 21, 2022.

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6. Respondent's second payment was due by September 15, 2022. Respondent did not make the payment until on or around October 4, 2022.

7. Respondent's third payment was due by January 15, 2023. On January 13, 2023, Respondent submitted a Declaration describing his adverse medical condition and stating that he was unable to honor the Payment Conditions.

8. To date, Respondent has made no further payments.

9. On February 27, 2023, The Director declared the $80,000 in suspended Civil Penalties to be due and payable as a result of Respondent's failure to satisfy the Payment Conditions.

10. Furthermore, the balance of the non-suspended civil penalties due and owing from Respondent to the Director under the Consent Order is currently $10,000. That sum will grow if/as Respondent fails to make payments required under the Payment Conditions.

CONCLUSIONS OF LAW

The Director CONCLUDES that:

11. The Consent Order resolved Division case number S-18-0049 in accordance with, *inter alia*, ORS 183.417(3), ORS 183.745(11), and OAR 137-003-0510(3)-(4).

12. The Consent Order is a valid and enforceable final order not subject to the provisions of ORS 183.470 and OAR 137-003-0665(5).

13. The failure of Respondent to satisfy the Payment Conditions made the suspended Civil Penalties imposed under the Consent Order due and payable as of February 27, 2023.

14. Respondent is personally obligated to pay the $80,000 in suspended Civil Penalties imposed under the Consent Order.

ORDERS

Now therefore, the Director issues the following ORDER:

15. As authorized by the Consent Order resolving Division case number S-18-0049

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in accordance with ORS 183.417(3), ORS 183.745(11), and OAR 137-003-0510(3)-(4), a true and correct copy of which is attached hereto as Exhibit A, the Director hereby ORDERS that the $80,000 in suspended civil penalties imposed on Respondent under the Consent Order be IMMEDIATELY DUE AND PAYABLE as a result of the failure of Respondent to timely satisfy the Payment Conditions in accordance with the terms and conditions of the Consent Order.

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

SO ORDERED this 25th day of May, 2023.

ANDREW R. STOLFI, Director
Department of Consumer and Business Services

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

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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. Note that under ORS 59.295(2), in the absence of a timely demand for a hearing, no person shall be entitled to judicial review of the order.