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

In the Matter of: COLE A. JANNUSCH and COLE JANNUSCH INSURANCE AGENCY LLC, Respondents.	Case No. INS-23-0079 FINAL ORDER TO CEASE AND DESIST AND FINAL ORDER ASSESSING CIVIL PENALTY, ENTERED BY CONSENT

The Director of the Department of Consumer and Business Services for the State of Oregon ("Director"), through the Division of Financial Regulation, investigated the business activities of Respondents Cole A. Jannusch ("Jannusch") and Cole Jannusch Insurance Agency LLC ("CJIA") and determined that they violated certain provisions of the Oregon Revised Statutes ("ORS") chapters 731, 732, 733, 734, 735, 737, 742, 743, 743A, 743B, 744, 746, 748, and 750 and the rules promulgated thereunder (collectively, the "Insurance Code").

Respondents cooperated with the Director's investigation and now wish to settle this matter.

Now, therefore, as evidenced by the signature(s) subscribed on this Order, Respondents hereby CONSENT to entry of this Order upon the Director's Findings of Fact and Conclusions of Law, as stated below.

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350 Winter Street NE, Suite 410
Salem, OR 97301-3881
Telephone: (503) 378-4387

FINDINGS OF FACT

The Director FINDS that:

1. Jannusch is an Oregon resident insurance producer licensed in the state since November 2007. His National Producer Number is 9737229.

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2. CJIA is an Oregon resident business entity insurance producer licensed in the state since February 2020. CJIA's National Producer Number is 19431083.

3. Jannusch is the owner and Designated Responsible Licensed Producer ("DRLP") of CJIA.

4. CJIA sold a commercial liability insurance policy ("Policy") to a company ("Insured") with coverage for the period May 18, 2021 to May 18, 2022. Shortly after, Jannusch, on behalf of CJIA, sent the Oregon Department of Environmental Quality ("DEQ") a Certificate of Insurance for that period.

5. The Policy was canceled on August 17, 2021, for non-payment of premium. On August 25, 2021, a Cancellation Endorsement was issued to Insured with copy to Jannusch. A copy was also sent to the DEQ on August 27, 2021.

6. On June 28, 2022, the DEQ requested from Jannusch an updated Certificate of Insurance for the Policy.

7. That same day, Jannusch, on behalf of CJIA, issued and sent the DEQ a Certificate of Insurance for the Policy for the period May 18, 2022 to May 18, 2023, without first confirming whether the Policy was still in force, bind was requested, or premium payment had been received.

CONCLUSIONS OF LAW

The Director CONCLUDES that:

8. Under ORS 744.059(2)(b), Jannusch, as the DRLP for CJIA, is responsible for CJIA's compliance with the Insurance Code.

9. By issuing and sending the DEQ a Certificate of Insurance for a canceled insurance policy without first confirming whether the policy was still in force, bind was requested, or premium payment had been received, Respondents demonstrated incompetence in the conduct of business in this state or elsewhere, in violation of ORS 744.074(1)(h).

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10. ORS 744.074(1)(h) authorizes the Director to take action against Respondents or their Oregon resident insurance producer licenses for demonstrating incompetence in the conduct of business in this state or elsewhere.

11. Because Respondents violated ORS 744.074(1)(h), the Director may, under ORS 731.252(1), order Respondents to cease and desist from violating that statute.

12. ORS 731.988(1) authorizes the Director to assess a civil penalty against Respondents of up to $1,000 per violation of the Insurance Code.

ORDERS

Now therefore, the Director issues the following Orders:

13. As authorized by ORS 731.252(1), the Director ORDERS Respondents to CEASE AND DESIST from violating ORS 744.074(1)(h).

14. As authorized by ORS 731.988(1), the Director ORDERS Respondents to pay, jointly and severally, a $1,000 CIVIL PENALTY for violating ORS 744.074(1)(h).

15. The Director SUSPENDS $250 of the civil penalty provided Respondents do not violate the Insurance Code or the terms of this Order. If Respondents violate the Insurance Code or the terms of this Order, then the $250 suspended civil penalty will become immediately due and owing. Otherwise, the suspended civil penalty will be waived three years from the date of this Order.

16. Along with this Order, Respondents shall submit to the Director $375 as an initial payment for the non-suspended civil penalty. Respondents shall pay the second $375 installment by May 31, 2024.

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17. This Order is a "Final Order" under ORS 183.310(6)(b). Subject to this provision, entry of this Order does not limit the Director's authority to enforce this Order or take action against Respondents for violations of this Order or violations not included in this Order that are discovered after the date of this Order.

SO ORDERED this 16th day of May, 2024.

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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CONSENT TO ENTRY OF ORDER

I, Cole A. Jannusch, state that I have read the foregoing Order and that I know and fully understand the contents hereof. The factual allegations stated herein are true and correct. I have been advised of my right to a hearing and of the right to be represented by counsel in this matter. 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. I understand that the Director reserves the right to take further action against me to enforce this Order or to take appropriate action upon discovery that I have committed other violations of the Insurance Code. I will fully comply with the terms and conditions stated herein.

I understand that this Order is a public document.

/s/ Cole A. Jannusch
Signature

State of Oregon

County of Clatsop

Signed or attested before me by Cole A. Jannusch on this 23rd day of April, 2024.

/s/ Yvette Cooley
Notary Public

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ENTITY CONSENT TO ENTRY OF ORDER

I, Cole A. Jannusch, am the owner and Designated Responsible Licensed Person ("DRLP") of Cole Jannusch Insurance Agency LLC ("CJIA"). I am authorized to act and sign this Order on behalf of CJIA. 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. CJIA voluntarily consents 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. CJIA understands that the Director reserves the right to take further action to enforce this Order or to take appropriate action upon discovery that CJIA has committed other violations of the Insurance Code. CJIA, along with its officers, directors, employees, or agents, will fully comply with the terms and conditions stated herein.

CJIA understands that this Order is a public document.

Signature: */s/ Cole A. Jannusch*

Position Held: Owner/DRLP

State of Oregon

County of Clatsop

Signed or attested before me by Cole A. Jannusch on this 23rd day of April, 2024.

/s/ Yvette Cooley

Notary Public

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