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

In the Matter of: JENNIFER M. GARRETT, Respondent.	Case No. INS-21-0008 FINAL ORDER TO CEASE AND DESIST, AND ORDERS DENYING AND REVOKING LICENSE AND IMPOSING CIVIL PENALTIES, ENTERED BY DEFAULT

On May 11, 2021, the Director of the Department of Consumer and Business Services for the State of Oregon ("Director"), acting by and through the Division of Financial Regulation ("Division"), served an Order to Cease and Desist, and Proposed Orders Denying and Revoking License and Imposing Civil Penalties, and Notice of Right to an Administrative Hearing ("Notice") on Jennifer M. Garrett ("Respondent").

The Notice offered Respondent an opportunity for a hearing if requested within 60 days of the Notice. The Notice further informed Respondent that if a hearing were 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 did not conduct 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 has been licensed as an Oregon Nonresident Insurance Producer since August 29, 2016. Respondent's NAIC national producer number is 16850954.

2. On October 2, 2020, Respondent's home state of Missouri issued an administrative order fining Respondent for failing to disclose a felony conviction on her application for a Missouri insurance producer license. The factual basis of this administrative order was that the Missouri Department of Commerce and Insurance learned that Respondent had failed to disclose on her Missouri insurance producer license application that in 2003 Respondent was convicted in Idaho of Forgery of a Financial Transaction Card, a felony, as defined by Idaho Code (I.C.) §18-3123.

3. The factual basis of Respondent's felony conviction was that on August 17th, 1997, Respondent signed the name of another person to a credit card charge receipt without permission from that person.

4. Respondent did not disclose this information in her original application for an Oregon Non-Resident Insurance Producer license, dated August 26, 2016.

5. On October 20, 2020, Respondent submitted an application to renew her Oregon Non-Resident Insurance Producer license. On that application, Respondent disclosed her 2003 felony conviction, but omitted the October 2020 Missouri administrative action.

6. On April 19, 2021, the Division contacted Respondent by email, first class mail, and certified mail at the addresses on file with the Division advising Respondent that her license renewal application could not be processed without an Oregon Application for Written Consent (Oregon 1033 form). The Division required an answer from Respondent before close of business on April 30, 2021.

7. Respondent did not answer the Division's letters and email of April 19, 2021.

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CONCLUSIONS OF LAW

The Director CONCLUDES the following:

8. Pursuant to 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 directing the person to discontinue or desist from such violation or threatened violation.

9. Pursuant to ORS 744.074(1)(a), the Director may place a licensee on probation or suspend, revoke or refuse to issue or renew an insurance producer license and may take other actions authorized by the Insurance Code in lieu thereof or in addition thereto, for "[p]roviding incorrect, misleading, incomplete or materially untrue information in the license application."

10. Respondent provided incorrect, misleading, incomplete or materially untrue information by failing to disclose her conviction for Forgery of a Financial Transaction Card on her original application for a nonresident insurance producer license, and by failing to disclose the Missouri administrative action in her 2020 renewal application.

11. Pursuant to ORS 744.074(1)(b), the Director may place a licensee on probation or suspend, revoke or refuse to issue or renew an insurance producer license and may take other actions authorized by the Insurance Code in lieu thereof or in addition thereto, for "violating any insurance laws."

12. Pursuant to ORS 731.296, a Respondent must "promptly and truthfully" respond to any proper inquiry by the Division regarding "its activities or condition or any other matter connected with its transactions."

13. The Division's email and letters dated April 19, 2021, notifying Respondent of the need to file an Oregon 1033 form and giving Respondent until close of business on April 30, 2021, to answer was a proper inquiry regarding Respondent's "activities or condition or any other matter connected with its transactions."

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14. Respondent did not "promptly and truthfully" respond to this inquiry; and, in point of fact, still has not responded to the Division's inquiry, in violation of ORS 731.296.

15. Pursuant to ORS 731.988, the Division may impose Civil Penalties in the amount of $1,000 per violation of the Insurance Code against any individual insurance producer, adjuster, or insurance consultant.

ORDERS

The Director issues the following Orders:

Cease and Desist

16. As authorized by ORS 731.252(1), the Director ORDERS Respondent to CEASE AND DESIST from violating ORS 744.074(1)(a), (b) and 731.296.

Denial of License Renewal and Revocation of License

17. Pursuant to ORS 744.074(1)(a) and (b), the Director DENIES renewal of Respondent's Oregon Nonresident Insurance Producer License.

18. Pursuant to ORS 744.074(1)(a) and (b), the Director REVOKES Respondent's Oregon Nonresident Insurance Producer License.

Civil Penalties

19. Pursuant to ORS 731.988(1), the Director imposes CIVIL PENALTIES against Respondent in the amount of $1,000, as follows:

(a) $500 for violating ORS 744.074(1)(a) by providing "incorrect, misleading, incomplete or materially untrue information in the license application"; and

(b) $500 for violating ORS 731.296 by failing to answer the Division's letters and email of April 19, 2021.

20. 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.

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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.

SO ORDERED this 27th day of July, 2021.

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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