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

In the Matter of: KENNETH L. MCINTOSH, Respondent.	Case No. INS-23-0008 FINAL ORDER TO CEASE AND DESIST AND ASSESSING CIVIL PENALTIES, AND CONSENT TO ENTRY OF ORDER

The Director of the Department of Consumer and Business Services for the State of Oregon ("Director"), acting in accordance with Oregon Revised Statutes ("ORS") chapters 731, 732, 733, 734, 735, 737, 742, 743, 743A, 744, 746, 748 and 750 ("Insurance Code") has determined that the Respondent Kenneth L. McIntosh ("Respondent") engaged in violations of the Insurance Code.

Respondent wishes to resolve and settle this matter with the Director.

Now, therefore, as evidenced by the signature(s) subscribed on this Order, Respondent hereby CONSENTS to entry of this Order.

FINDINGS OF FACT

The Director FINDS that:

1. Respondent is a non-resident insurance producer. His national producer number is 7465446.

2. Respondent's non-resident insurance producer license renewal ("Renewal") in July of 2021.

3. As part of the 2021 application process, Respondent submitted to the Division of Financial Regulation ("Division") an application form that contained questions about

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prior criminal convictions.

4. 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, which has not been previously reported to this insurance department?" Respondent answered no.

5. On or around September 7, 2022 the Division received an email from the Licensing Administrator of Respondent's employer, Alliant Insurance Services, that said:

> "A recent non-resident application (or current non-resident license that was previously issued) was put in for Mr. Kenneth (Mac) McIntosh. He quickly realized that he answered question number 1A on the background questionnaire incorrectly, as "No", when it should have been "Yes". He has three items to disclose from 1999, 2000, and 2001, in regards to this."

6. On or around September 7, 2022, the Division requested documents related to the convictions.

7. On or around September 28, 2022, Respondent sent a letter to the Division in which he made admissions about his failure to report his misdemeanor convictions. Included in the letter was a document that recites Respondent's criminal history of three adult misdemeanors:

(a)	Minor in Possession	7/17/99	Grand County
(b)	Minor in Possession	11/18/00	Whitman County
(c)	Disorderly Conduct	12/15/01	Whitman County

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CONCLUSIONS OF LAW

The Director CONCLUDES that:

8. 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.

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9. Under ORS 744.074(1)(a), the Director may suspend, revoke or refuse to renew 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.

10. Under ORS 744.074(1)(a), the Director may revoke Respondent's license and revoke his license renewal 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 criminal convictions discussed in paragraph 4 through 8 above.

Under ORS 731.988(1), an insurance producer that violates any provision of the Insurance Code shall forfeit and pay to 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:

11. 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.

12. As authorized by ORS 731.988(1) the Director hereby ORDERS Respondent to FORFEIT AND PAY to the General Fund of the State Treasury a civil penalty of $1,000.

13. The Director hereby suspends payment of $500 of the CIVIL PENALTY for a period of three years from the effective date of this Order, provided Respondent:

A. Pays the remaining $500 of the CIVIL PENALTY pursuant to the terms of this Order; and

B. Does not violate the Insurance Code within the three-year time period.

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14. The suspended CIVIL PENALTY ($500) will be waived three years from the effective date of this Order, provided Respondent has complied with the foregoing Order terms. Respondent's failure to satisfy any terms of this order will render the suspended penalties immediately due and payable.

15. 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 20th day of April, 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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CONSENT TO ENTRY OF ORDER

I, Kenneth L. McIntosh, state that I have read the foregoing Consent Order and know and fully understand the contents hereof. I have been advised of my right to a hearing and right to be represented by counsel in this matter, and I have in fact been 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 actions against me to enforce this Order or to take appropriate action upon discovery of other violations of the Insurance Code or with the terms and conditions stated herein. I will fully comply wit the terms of the Consent Order stated herein.

I understand that this Consent Order is a public document.

Signature: /s/ Kenneth McIntosh

State of WA

County of Snohomish

Signed or attested before me on this 7th day of April, 2023 by Kenneth L. McIntosh.

/s/ Benjamin Thompson
Notary Public

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