Division of Financial Regulation
Labor and Industries Building
350 Winter Street NE, Suite 410
Salem, OR 97301-3881
Telephone: (503) 378-4387

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

In the Matter of Marbely Adreina Yanconvich and Juan Gomez, Respondents.	Case No. INS-25-0010 FINAL ORDERS TO CEASE AND DESIST AND REVOKING INSURANCE PRODUCER LICENSE, ENTERED BY DEFAULT

On April 3, 2025, the Director of the Oregon Department of Consumer and Business Services ("Director"), by and through the Division of Financial Regulation ("Division"), properly served notice (the "Notice") on Marbely Adreina Yanconvich and Juan Gomez ("Respondents") that the Director intended to assess civil penalties against Respondents for violating certain provisions of Oregon Revised Statutes ("ORS") 731, 732, 733, 734, 735, 737, 742, 743, 743A, 744, 746, 748, and 750 ("Insurance Code") and the Oregon Administrative Rules ("OAR") promulgated under those laws.

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

The Director finds that the record of this proceeding proves a *prima facie* case.

The Director makes the following Findings of Fact, Conclusions of Law, Orders, and Notice of Right to Judicial Appeal.

FINDINGS OF FACT

The Director FINDS that:

1. On knowledge and belief, Respondents are Texas residents. Their last known address is 18226 Waverly Bend Ln, Cypress, TX 77433.

2. Neither Yanconvich nor Gomez have ever been licensed to do business as an insurance producer in Oregon.

3. On or about May 16, 2024, the Division received a complaint from two Oregon consumers who will be identified for purposes of this Order as SF and DF.

4. SF and DF stated that they purchased an insurance policy from Falcon Insurance Company (“Falcon Insurance”) though Cristian Zaragoza (“Zaragoza”) and Mok Insurance & Tax Services (“Mok Insurance), but the insurance cards SF and DF obtained were fake.

5. SF and DF made a payment of $100 for the insurance policy premium using Zelle. The Zelle account that the payment was transmitted to belongs to Respondents.

6. On June 11, 2024, Falcon Insurance confirmed to the Division that the insurances cards SF and DF received are not legitimate and do not reflect actual policies that Falcon Insurances issues.

7. On June 11, 2024, Zaragoza informed the Division the policies were not sold by him or Mok Insurance. Zaragoza stated he reported the fraudulent activity to the Texas Department of Insurance and the Fort Worth Police Department.

8. On July 3, 2024, Zaragoza informed the Division that another Oregon consumer, who will be identified for purposes of this Order as JM, obtained a fraudulent insurance policy from Respondents. JM paid Respondents $730 for the insurance using the same Zelle account as SF and DF.

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9. On July 10, 2024, the Division attempted to contact Yanconvich by phone. Yanconvich did not answer, and there was no voice mailbox set up to receive messages.

10. On October 30, 2024, the Division confirmed that Respondents are the Zelle account holders for the account SF and DF paid into for the fraudulent insurance.

11. On October 30, 2024, the Division attempted to contact Gomez by phone. Gomez did not answer, and there was no voice mailbox set up to receive messages.

12. On December 11, 2024, the Division contacted Yanconvich by letter requesting a response by January 3, 2025. Yanconvich failed to respond.

13. On January 8, 2025, the Division contacted Yanconvich by letter with an Administrative Subpoena requesting a response by January 20, 2025. Yanconvich failed to respond.

CONCLUSIONS OF LAW

The Director CONCLUDES that:

Cease and Desist Authority

14. 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 to discontinue or desist from such violation or threatened violation.

Unlicensed Insurance Business

15. Pursuant to ORS 744.053, no person may "sell, solicit or negotiate insurance in this state" unless that person is licensed in Oregon as an Insurance Producer.

16. Respondents violated ORS 744.053 by selling, or purporting to sell, insurance policies to SF, DF, and JM.

Obtaining Money or Property by Misrepresentation

17. Pursuant to ORS 746.075(2)(f), no person may obtain "money or property by means of any untrue statement" in connection with an insurance transaction.

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18. Respondents violated ORS 746.075(2)(f) by collecting moneys from SF, DF, and JM for insurance policies that Respondents either did not obtain or substantially misrepresented.

Civil Penalties Authority

19. Pursuant to ORS 731.988(1), the Director may assess civil penalties in the amount of $1,000 per violation against any person who violates the Insurance Code.

20. Pursuant to ORS 731.988(2), the Director may also require Respondents to forfeit and pay to the General Fund a civil penalty in the amount determined by the Director that does not exceed the amount by which the person profited in any transaction that violates the Insurance Code.

ORDERS

Now therefore, the Director issues the following Orders:

Order to Cease and Desist

21. Pursuant to ORS 731.252(1), the Director hereby ORDERS Respondents to CEASE AND DESIST from violating any provision of the Insurance Code, or any administrative rule adopted by the Director under those statutes.

Order Assessing Civil Penalty

22. Pursuant to ORS 731.988(1) and (2), the Director hereby ORDERS Respondents, jointly and severally, to pay CIVIL PENALTIES in the amount of $4,830 as follows:

(a) $2,000 for violating ORS 744.053 in two instances by purporting to sell, solicit, or negotiate insurance in Oregon without a license;

(b) $2,000 for violating ORS 746.075(2)(f) in two instances by collecting money from SF, DF, and JM for insurance policies that Respondents did not obtain or misrepresented; and

(c) $830 for the amount by which Respondents profited by selling the fraudulent insurance policies to SF, DF, and JM.

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FINAL ORDER

23. 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 to enforce this Order or take action for violations of this Order or of the Insurance Code not covered by this Order.

IT IS SO ORDERED.

Dated this 29th day of April, 2025.

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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