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

In the Matter of TUAN PHAM, (NPN#5422960) Respondent.	Case No. INS-22-0042 FINAL ORDER TO CEASE AND DESIST, REVOCATION OF NONRESIDENT INSURANCE PRODUCER LICENSE, ENTERED BY DEFAULT

On September 15, 2022, the Division of Financial Regulation ("Division") acting on behalf of the Director of the Department of Consumer and Business Services for the State of Oregon ("Director"), served Notice of Administrative Order INS-22-0042 ("Notice") on Tuan Pham ("Respondent"). The Notice provided notice that the Director issued an order to cease and desist against Respondent, and proposed an order to revoke Respondent's nonresident insurance producer license, for violating ORS 731.296, a provision of Oregon Revised Statutes ("ORS") chapters 731, 732, 733, 734, 735, 737, 742, 743, 743A, 744, 746, 748 and 750 and the rules promulgated thereunder ("Insurance Code").

The Notice offered Respondent an opportunity for a hearing if requested within 20 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.

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Now, therefore, after considering the relevant portions of the Division's file relating to this matter, the Director finds and orders as follows.

FINDINGS OF FACT

The Director FINDS that:

1. Respondent is a Nevada resident. At times material to this Order, Respondent was licensed in Oregon as a nonresident individual insurance producer. Respondent's last business address of record is 9550 S Eastern Ave, Suite 236, Las Vegas, NV 89123.

2. Respondent became licensed in Oregon as a nonresident individual insurance producer on March 25, 2013. The license expired June 30, 2021.

3. The National Insurance Producer Registry (NIPR) number for Respondent is 5422960.

4. During September 2019, a consumer complaint was filed with the Director regarding Respondent's business activities and the amounts Respondent had charged the consumer ("SM") for insurance premiums. SM has resided in Oregon since 2013.

5. During September 2019 and November 2019, a Consumer Advocate employed by the Director sent inquiries to Respondent regarding issues raised in SM's complaint and requested a response from Respondent. The inquiries include letters dated September 30, 2019, and November 20, 2019, sent to Respondent by certified mail at his business address of record.

6. The letter dated September 30, 2019 from the Consumer Advocate to Respondent requested a response within 21 days from receipt of the letter, to include a report addressing each of the issues raised in the consumer complaint. No response was received from Respondent.

7. The letter dated November 20, 2019 from the Consumer Advocate to Respondent requested a response from Respondent by December 4, 2019. The letter included a warning that failure to provide a response may be a violation of ORS 731.296.

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8. The letter dated November 20, 2019, from the Consumer Advocate to Respondent states:

> Dear Tuan Pham,
> We have not received a response to our correspondence dated September 30, 2019, concerning this consumer complaint. A copy of the letter and complaint are enclosed. Failure to respond, delay in responding, or incompletely responding may be a violation of Oregon Revised Statutes (ORS) 731.296. Failure to provide the requested information, in writing, by December 4, 2019, will cause us to refer this to our Investigations Unit for sanction and penalties as provided in ORS 731.988.

9. No response to the inquiries described above was received from Respondent.

CONCLUSIONS OF LAW

The Director CONCLUDES that:

10. Under 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.

11. ORS 731.296 provides that the Director may address any proper inquiries to any insurer, licensee or its officers in relation to its activities or condition or any other matter connected with its transactions. Any such person so addressed shall promptly and truthfully reply to such inquiries using the form of communication requested by the director.

12. Respondent violated ORS 731.296 by failing to respond to the Director's inquiries dated September 30, 2019 and November 20, 2019.

13. ORS 744.074(1)(b) authorizes the Director to suspend, revoke, or refuse to renew an insurance producer license, and may take other actions authorized by the Insurance Code, if an insurance producer violates any insurance law, or violates any rule, subpoena or order of the Director.

14. Because Respondent violated ORS 731.296 by failing to respond to the

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Director's inquiries regarding a consumer complaint filed against Respondent, Respondent has violated an insurance law, and the Director has grounds, authorized by ORS 744.074(1)(b), to revoke Respondent's nonresident insurance producer license in Oregon.

ORDERS

The Director ISSUES the following ORDERS:

15. Pursuant to ORS 731.252(1) the Director hereby ORDERS Respondent, and all entities owned or controlled by Respondent, his successors and assignees, to CEASE AND DESIST from violating ORS 731.296.

16. The Director, pursuant to ORS 744.074(1)(b) hereby REVOKES Respondent's nonresident insurance producer license for violating ORS 731.296.

17. 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.

IT IS SO ORDERED.

Dated this 13th day of October, 2022.

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

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.

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