

1
2 STATE OF OREGON
3 DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
4 DIVISION OF FINANCIAL REGULATION

5 In the Matter of

Case No. INS-25-0014
OAH Case No. 2025-ABC-07186

6 NIKOL OGDEN,

FINAL ORDERS TO CEASE AND
DESIST AND DENY LICENSE
APPLICATION

7 Respondent.

8 **HISTORY OF THE CASE**

9 On March 25, 2025, the Oregon Department of Consumer & Business Services
10 (DCBS), Division of Financial Regulation (Division), issued to Nikol Marie Ogden an
11 Order to Cease and Desist, Proposed Order to Deny License Application, and Notice of
12 Right to an Administrative Hearing (Notice).¹ On May 19, 2025, Ms. Ogden requested a
13 hearing.

14 On July 1, 2025, the Division referred the hearing request to the Office of
15 Administrative Hearings (OAH). The OAH assigned Senior Administrative Law Judge
16 (ALJ) Bradley A. Schmidt to preside over the matter.

17 On July 28, 2025, ALJ Schmidt convened a telephone prehearing conference to
18 review the hearing issues, schedule the hearing, and set related deadlines. Assistant
19 Attorney General (AAG) Jacob S. Gill represented the Division, with Alex Gund also
20 attending from the Division. Ms. Ogden did not participate in the prehearing conference.
21 ALJ Schmidt scheduled the hearing to be held by video conference on October 22, 2025.

22 On July 29, 2025, Ms. Ogden filed a request to reschedule the hearing to October
23 20, 2025. ALJ Schmidt denied the request.

24 On October 22, 2025, ALJ Schmidt conducted the hearing by video conference.
25

26 ¹ The Notice was dated February 18, 2025, but was not mailed until March 25, 2025.



1 Ms. Ogden appeared, represented herself, and testified. AAG Gill represented the Division,
2 with Mr. Gund also attending for the Division. Jason Flanagan testified for the Division.
3 Division employees Elizabeth Hagar and David Venables attended as observers. The
4 record closed on October 22, 2025.

5 On December 9, 2025, ALJ Schmidt issued a Proposed Order concluding that Ms.
6 Ogden violated certain provisions of the Oregon Insurance Code, including ORS
7 744.074(1)(a) and ORS 744.074(1)(h), proposing that Ms. Ogden be ordered to cease and
8 desist from violating ORS 744.074, and proposing that the non-resident insurance producer
9 license application that Ms. Ogden submitted to the Division be denied.

10 Ms. Ogden did not timely file any exceptions to the Proposed Order.

11 Having considered the record in this matter and the Proposed Order, the Division
12 adopts the Proposed Order as the Final Order in this case.

13 ISSUES

14 1. Whether Ms. Ogden provided incorrect, misleading, incomplete or materially
15 untrue information in the license application filed on November 4, 2024. ORS
16 744.074(1)(a).

17 2. Whether Ms. Ogden violated any insurance law, rule, or Director order as
18 alleged in the Notice. ORS 744.074(1)(b); ORS 731.296.

19 3. Whether Ms. Ogden's failure to respond to the Division's inquiry related to her
20 November 4, 2024, license application demonstrated incompetence or untrustworthiness in
21 the conduct of business. ORS 744.074(1)(h).

22 4. Whether the Division may deny Ms. Ogden's application for a non-resident
23 insurance producer license submitted on November 4, 2024. ORS 744.074(1)(a); ORS
24 744.074(1)(b); ORS 744.074(1)(h).

25 5. Whether the Department may issue Ms. Odgen a cease and desist order. ORS
26 731.252(1).



1 **EVIDENTIARY RULINGS**

2 Exhibits A2, A4, A6, A7, and A8, offered by the Division, were admitted into the
3 record without objection.² Exhibits R1 through R7, offered by Ms. Ogden, were also
4 admitted into the record without objection.

5 **FINDINGS OF FACT**

6 The Director FINDS that:

7 1. On June 7, 1995, Ms. Ogden entered a guilty plea to the misdemeanor charge
8 of Theft in the Third Degree (under ORS 164.043) in the Clackamas County, Oregon,
9 District Court. (Ex. R7 at 1-3, 6-10.)

10 2. On February 26, 2018, at the conclusion of a non-jury trial in the Surprise City
11 (Arizona) Court, Ms. Ogden was found guilty of the misdemeanor charge of Trespassing
12 in the Third Degree. (Exs. R2 at 1-5; R6 at 5.)

13 3. Since February 2020, Ms. Ogden has resided in Arizona. (Exs. A2 at 1, A4 at
14 1, A6 at 1, A7 at 1; test. of Ogden.)

15 4. During the relevant period of February 2020 through to the time of the hearing,
16 the Division’s application for a non-resident insurance producer license included a series
17 of questions the applicant was required to complete, which the Division used to assess
18 applicant fitness. (Test. of Flanagan.) The first question on the questionnaire (Question 1a)
19 read as follows:

20 Have you ever been convicted of a misdemeanor, had a judgment withheld
21 or deferred, or are you currently charged with committing a misdemeanor?

22 You may exclude the following misdemeanor convictions or pending
23 misdemeanor charges: traffic citations, driving under the influence (DUI),
24 driving while intoxicated (DWI), driving without a license, reckless driving,
25 or driving with a suspended or revoked license.

26 You may also exclude juvenile adjudications (offenses where you were
adjudicated delinquent in a juvenile court)

² The Division did not offer exhibits numbered A1, A3, or A5.

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* * * * *

If you answer yes, you must attach to this application:

- a) a written statement explaining the circumstances of each incident,
- b) a copy of the charging document,
- c) a copy of the official document, which demonstrates the resolution or the charges or any final judgment.

(Ex. A7 at 2; test of Flanagan.)

5. On February 6, 2020, Ms. Ogden applied online with the Division for a non-resident insurance producer license. (Ex. A2 at 1-2; test. of Flanagan.) Ms. Ogden had an authorized submitter from her employer file the application for her. (Ex. A2 at 1; test. of Ogden.) Ms. Ogden answered Question 1a in the affirmative and provided documents related to her two misdemeanor convictions as attachments to the application. (Ex. A2 at 1-2; test. of Flanagan, Ogden.)

6. Upon review, Division staff found that the documents Ms. Ogden provided related to the February 26, 2018, conviction were illegible. (Ex. A2 at 2; test. of Flanagan.)

7. On February 7, 2020, Division staff emailed Ms. Ogden at the email address provided with her application to inform her that the documents related to the February 26, 2018, conviction were illegible (too faint) and that she needed to supply legible copies of the requested documents. (Ex. A2 at 2; test. of Flanagan.)

8. By February 28, 2020, the Division had not received any replacement documents from Ms. Ogden in response to its request for legible documents. Division staff emailed Ms. Ogden again, repeating the request for legible copies of the requested documents and informing Ms. Ogden that she had until March 13, 2020, to supply the requested documents or the application would be rejected. Ms. Ogden did not provide legible copies by the deadline, and on March 13, 2020, the Division rejected Ms. Ogden's application and remitted her application fee. (Ex. A2 at 2; test. of Flanagan.)

9. On June 8, 2021, Ms. Ogden again applied with the Division for a non-resident insurance producer license. (Ex. A4 at 1-2; test. of Flanagan.) Ms. Ogden had an authorized

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1 submitter from her employer file the application for her. (Ex. A4 at 1; test. of Ogden.) On
2 the application, Ms. Ogden answered “No” to Question 1a. (Ex. A4 at 2; test. of Flanagan,
3 Ogden.) At the time, Ms. Ogden was still aware of her misdemeanor convictions in 1995
4 and 2018. (Test. of Ogden.)

5 10. Because Ms. Ogden had reported misdemeanor convictions in her first
6 application, Division staff responded to this second application with email requests that
7 she provide the documentation required under Question 1a along with an explanation for
8 her failure to answer Question 1a in the affirmative. Ms. Ogden provided some responsive
9 documentation, which was again too faint to be legible. Ms. Ogden failed to respond to a
10 subsequent request by Division staff for legible documents. (Ex. A4 at 2; test. of Flanagan.)

11 11. On September 24, 2021, the Division rejected the June 8, 2021, application as
12 incomplete and remitted Ms. Ogden’s application fee. (Ex. A4 at 2.)

13 12. On November 9, 2021, Ms. Ogden again applied with the Division for a non-
14 resident insurance producer license. (Ex. A6 at 1-2; test. of Flanagan.) Ms. Ogden had an
15 authorized submitter from her employer file the application for her. (Ex. A6 at 1; test. of
16 Ogden.) On the application, Ms. Ogden again answered Question 1a in the negative. (Ex.
17 A6 at 2-3; test. of Flanagan, Ogden.) At the time, Ms. Ogden was still aware of her
18 misdemeanor convictions in 1995 and 2018. (Test. of Ogden.)

19 13. Because Ms. Ogden had reported misdemeanor convictions in her first
20 application, Division staff again responded to this third application with email requests that
21 she provide the documentation required under Question 1a along with an explanation for
22 her failure to answer Question 1a in the affirmative. (Ex. A6 at 3; test. of Flanagan.)
23 Division staff received a response from the authorized submitter who had completed the
24 application stating that she had answered Question 1a “No” in error. (Ex. A6 at 3.) The
25 Division did not receive any response or responsive documents from Ms. Ogden. After
26 reviewing the existing documents in Ms. Ogden’s file and finding that they did not include



1 legible documents regarding the 2018 Trespassing conviction, the Division rejected this
2 third application and remitted Ms. Ogden’s application fee. (Ex. A6 at 3; test. of Flanagan.)

3 14. On November 4, 2024, Ms. Ogden again applied with the Division for a non-
4 resident insurance producer license via an authorized submitter from her employer. (Ex.
5 A7 at 1; test. of Ogden.) Ms. Ogden answered Question 1a in the negative. (Ex. A7 at 2;
6 test. of Flanagan.) At the time, Ms. Ogden was still aware of her misdemeanor convictions
7 in 1995 and 2018. (Test. of Ogden.) No additional documents were provided with the
8 application. (Ex. A7 at 3-4.) Division staff reviewed the file and noted Ms. Ogden’s
9 inconsistent answer to Question 1a on her first application and the lack of legible
10 documents in her file as required by Question 1a and prior Division correspondence. (*Id.*
11 at 4.)

12 15. On November 20, 2024, Division staff person Jennifer Ferguson sent an email
13 to Ms. Ogden, which read as follows in relevant part:

14 We recently received your on-line application for your non-resident Oregon
15 license. * * * [P]lease provide the following for **your 2017 charge**:³

- 16 • **A copy of the official document, which demonstrates the
17 resolution of the charges or any final judgment. *Specifically, I
18 need a document that shows the fines/costs as paid, and the case(s)
19 closed.***
- 20 • **If an official final resolution document is unavailable due to a
21 document retention schedule, an official document from the court
22 stating that fact will also work.**

23 We also need the following for **your 1995 charge**:

- 24 • **A copy of the Notice of Hearing or other official document that
25 states the charges and allegations.**
- 26 • **A copy of the official document, which demonstrates the
resolution of the charges or any final judgment. *Specifically, I***

³ The filing date for the charges leading to the 2018 conviction was not part of the hearing record.
However, one of the related documents (an initial plea offer) is dated December 7, 2017. (Ex. R6 at 2.)
Division notes show that one of the “difficult to read” documents Ms. Ogden provided with her initial
application bore a date of December 6, 2017. (Ex. A4 at 2.) The reference to a “2017 charge” thus was a
reference to the 2018 Trespassing conviction. (Ex. A8 at 1, emphasis removed.)

1 *need a document that shows the fines/costs as paid, and the case(s)*
2 *closed.*

- 3 • **If an official final resolution document is unavailable due to a**
4 **document retention schedule, an official document from the court**
5 **stating that fact will also work.**

6 * * * * *

7 Your application is pending a response from you. Please respond **within**
8 **30 days** or your application will be denied.

9 (Ex. A8 at 1, emphasis in original.)

10 16. Ms. Ferguson sent the November 20, 2024, email to the email addresses
11 (business and personal) provided in Ms. Ogden’s application. (Exs. A7 at 1, A8 at 1.) The
12 personal email account was valid and belonged to Ms. Ogden, but Ms. Ogden did not
13 regularly use this email account and did not read or respond to the request to provide
14 additional documents. (Ex. A7 at 4; test. of Flanagan, Ogden.)

15 17. At approximately 10:30 a.m. on December 20, 2024, Division staff called Ms.
16 Ogden at the home phone number provided in her most recent application and left a
17 message informing her that she had until the end of the day to return the staff person’s call
18 or withdraw her most recent application in lieu of a formal denial. (Ex. A7 at 4.) Ms. Ogden
19 did not respond. (*Id.*; test. of Flanagan.) Because of Ms. Ogden’s repeated failure to provide
20 requested documents, the Division decided to issue a formal denial rather than merely
21 reject the application as with past applications. (Test. of Flanagan.)

22 18. Regarding all the applications she filed with the Division, Ms. Ogden knew and
23 understood that it was her responsibility as the applicant to ensure the applications were
24 complete and accurate. (Test. of Ogden.)

25 19. On October 21, 2025, Ms. Ogden requested documents from Maricopa County,
26 Arizona, related to her 2018 Trespassing conviction. Ms. Ogden also requested documents
27 from Clackamas County, Oregon, related to her 1995 Theft conviction. (Ex. R4 at 1; test.

28 ///



1 of Ogden.) The same day, Ms. Ogden received the documents from Maricopa County and
2 Clackamas County, and Ms. Ogden filed the documents with the OAH.⁴ (Test. of Ogden.)

3 **CONCLUSIONS OF LAW**

4 1. Ms. Ogden provided incorrect, misleading, incomplete or materially untrue
5 information in the license application filed on November 4, 2024.

6 2. Ms. Ogden did not violate any insurance law, rule, or Director order as alleged
7 in the Notice.

8 3. Ms. Ogden’s failure to respond to the Division’s inquiry related to her
9 November 4, 2024, license application demonstrated incompetence or untrustworthiness in
10 the conduct of business.

11 4. The Division may deny Ms. Ogden’s application for a non-resident insurance
12 producer license submitted on November 4, 2024.

13 5. The Department may issue Ms. Ogden a cease and desist order.

14 **OPINION**

15 The Division seeks to deny Ms. Ogden’s November 4, 2024, application for a Non-
16 Resident Insurance Producer license based upon allegations that Ms. Ogden violated
17 various insurance laws and rules. The Division bore the burden of proving, more likely
18 than not, the truth of its allegations, as well as its right to deny Ms. Ogden’s application
19 based on those allegations. *See* ORS 183.450(2) (“The burden of presenting evidence to
20 support a fact or position in a contested case rests on the proponent of the fact or position”);
21 *Harris v. SAIF*, 292 Or 683, 690 (1982) (asserting that generally the burden of proof is on
22 the proponent of that fact or position); *Dixon v. Board of Nursing*, 291 Or App 207, 213
23 (2018) (in administrative proceedings, the preponderance standard generally applies). *Riley*
24 *Hill General Contractor v. Tandy Corp.*, 303 Or 390, 402 (1987) (explaining that proof by
25 ///

26 ⁴ The Maricopa and Clackamas County documents are Exhibits R6 and R7 respectively.



1 a preponderance of the evidence means that the fact finder is persuaded that the facts
2 asserted are more likely true than false).

3 In ORS 744.074, the Oregon legislature empowered the Division to deny an
4 insurance producer license application, as follows in relevant part:

5 (1) The Director of the Department of Consumer and Business Services
6 may place a licensee on probation or suspend, revoke or refuse to issue
7 or renew an insurance producer license and may take other actions
8 authorized by the Insurance Code in lieu thereof or in addition thereto,
9 for any one or more of the following causes:

10 (a) Providing incorrect, misleading, incomplete or materially untrue
11 information in the license application.

12 (b) Violating any insurance laws, or violating any rule, subpoena or
13 order of the director or of the insurance commissioner of another state
14 or Mexico or Canada.

15 * * * * *

16 (h) Using fraudulent, coercive or dishonest practices, or demonstrating
17 incompetence, untrustworthiness or financial irresponsibility in the
18 conduct of business in this state or elsewhere.

19 The evidence at the hearing established that Ms. Ogden provided “incorrect,
20 misleading, incomplete or materially untrue information” in her November 4, 2024,
21 application. As with two of her prior applications, she falsely claimed not to have any
22 misdemeanor convictions. Ms. Ogden was aware of her misdemeanor convictions and
23 knew that her response to Question 1a was incorrect.

24 Ms. Ogden’s application was also incomplete. Ms. Ogden failed to provide the
25 documents required for applicants with a misdemeanor conviction (written statements
26 explaining the circumstances of each incident, copies of the charging documents, and
documentation proving the resolution of charges). These documents were requested in the
text of the application itself. Ms. Ogden also received a direct request from Division staff
for these documents via email. Moreover, Ms. Ogden had received requests for the same
information with each of her three previous rejected applications. Therefore, she was

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1 aware, even before filing the 2024 application, that she would need to provide documents
2 regarding her convictions and that the Division would demand the documents.
3 Nevertheless, she did not check the email she had provided with her application and did
4 not provide the documentation required for a complete application.

5 The Division also maintains that Ms. Ogden violated an insurance law, rule, or
6 order of the director. Specifically, the Division cites ORS 731.296, which states as follows:

The Director of the Department of Consumer and Business Services
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. The reply shall be verified by an officer of
such person, if the director so requires. A reply is subject to the
provisions of ORS 731.260.

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11 The Division contends that, by failing to respond to its inquiries made during the
12 application process, Ms. Ogden violated the above provision. However, the evidence did
13 not establish that this law applied to Ms. Ogden. There was no evidence that Ms. Ogden
14 “engaged in the business of entering into policies of insurance” in Oregon, and she
15 therefore did not meet the definition of “insurer” in Oregon under ORS 731.106. The
16 evidence also failed to establish that Ms. Ogden was a licensee of the Division (or the
17 officer of a licensee).⁵ Therefore, Ms. Ogden’s failure to promptly and truthfully reply to
18 the Division’s inquiries did not constitute a violation of ORS 731.296.

19 The Division also alleged that Ms. Ogden’s application demonstrated incompetence
20 and untrustworthiness in the conduct of business. The evidence bore out this allegation.
21 Ms. Ogden repeatedly failed to provide legible documents at the Division’s request.
22 Despite the fact that she knew or should have known that the Division would again request
23

24 _____
25 ⁵ The Division’s records for each of Ms. Ogden’s applications contain the annotation, “Inactive Resident
26 license found. Further review is required by the state.” Exhibit A2 at 3; Exhibit A4 at 2; Exhibit A6 at 3;
Exhibit A7 at 4. This annotation was neither discussed nor explained in the other evidence submitted at the
hearing. As such, it was not sufficient to make a factual finding that Ms. Ogden received some other license
from the Division and thus constituted a “licensee” under ORS 731.296.

1 documents related to her misdemeanor convictions when filing her final application, she
2 failed to check her email and once again failed to supply the documents. This failure
3 showed that any trust in Ms. Ogden’s ability to timely respond to important questions
4 would be misplaced. Ms. Ogden demonstrated an inability to meet minimum standards for
5 communication in important matters. Moreover, Ms. Ogden’s last-minute securing of
6 documents for the hearing showed that she could have obtained the requested
7 documentation if she had made an effort to do so. She therefore demonstrated
8 incompetence and untrustworthiness in the conduct of business.

9 In sum, the Division established that both ORS 744.074(1)(a) and ORS
10 744.074(1)(h) (though not ORS 744.074(1)(b)) applied to Ms. Ogden. Each subsection thus
11 provides the Division with an independent basis to deny Ms. Ogden’s application for a
12 non-resident insurance producer license.

13 ORS 731.252(1) states, in relevant part:

14 Whenever the Director of the Department of Consumer and Business
15 Services has reason to believe that any person has been engaged or is
16 engaging or is about to engage in any violation of the Insurance Code,
the director may issue an order, directed to such person, to discontinue
or desist from such violation or threatened violation.

17 Ms. Ogden failed to meet the requirements of ORS 744.074(1)(a) and ORS
18 744.074(1)(h). Therefore, there is reason to conclude that Ms. Ogden has engaged in a
19 violation of the Insurance Code, and the Division may issue a cease and desist order related
20 to that violation.

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ORDERS

Now, therefore, the Director issues the following ORDERS:

License Application Denial

1. The application for a non-resident insurance producer license filed by Nikol Marie Ogden on November 4, 2024, is DENIED.

Cease and Desist

2. Nikol Marie Ogden is ordered to cease and desist from violating ORS 744.074.

3. 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 11th day of February, 2026.

SEAN E. O’DAY, 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. Respondents 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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