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

6 In the Matter of:

Case No. INS-16-0285

7 FRANCES BERNICE RIVERA,

8 Applicant.

9 ORDER TO CEASE AND DESIST,  
10 FINAL ORDER TO ISSUE LICENSE,  
11 FINAL ORDER ASSESSING CIVIL  
12 PENALTY AND CONSENT TO  
13 ENTRY OF ORDER

14 The Director of the Department of Consumer and Business Services for the State  
15 of Oregon (“Director”), acting in accordance with Oregon Revised Statutes (“ORS”)  
16 chapters 731, 732, 733, 734, 735, 737, 742, 743, 743A, 744, 746, 748 and 750  
17 (“Insurance Code”) and specifically ORS 744.074, hereby gives notice that the Director  
18 proposes to deny the Non-Resident Adjuster License application of FRANCES  
19 BERNICE RIVERA (“Applicant”).

20 Applicant wishes to resolve and settle this matter with the Director.

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

23 FINDINGS OF FACT

24 The Director FINDS that:

- 25 1. Applicant has applied for a Non-Resident Adjuster License (“License”).  
26 Applicant’s national producer number is 17085365.
- 27 2. As part of the application process, Applicant completed and submitted to the  
28 Division of Financial Regulation (“Division”), an application form indicating that she had  
29 never been named or involved as a party in an administrative proceeding.

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



1 3. During review of the application, the Division learned that Applicant was  
2 subject to administrative action in Washington, Order No. 16-0001, on January 4, 2016.

3 4. After the application was filed, and the prior administrative action was  
4 discovered, Applicant admitted to being the subject of that action.

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6 **CONCLUSIONS OF LAW**

7 The Director CONCLUDES that:

8 5. Accurate information about Applicant's history of administrative action is  
9 material to the Director's decision whether to issue a License.

10 6. Applicant's representation in her application that she had never been named or  
11 involved as a party in an administrative proceeding was incorrect, misleading, incomplete  
12 or materially untrue.

13 7. Under ORS 744.013(1)(b) and ORS 744.013(2)(b), the Director may refuse to  
14 issue an adjuster license on the grounds of falsification by the applicant of the application  
15 for the license or engagement in any dishonest act in relation to the application.

16 8. Under ORS 731.988(1) the Director may impose a civil penalty of up to  
17 \$1,000 per violation upon any individual who violates a provision of the Insurance Code.

18  
19 **ORDER**

20 Now therefore, the Director issues the following Orders:

21 9. As authorized by ORS 731.252(1), the Director ORDERS Applicant to  
22 CEASE AND DESIST from violating any provision of the Insurance Code or the  
23 administrative rules promulgated thereunder.

24 10. Based upon the foregoing and in accordance with ORS 731.988(1), the  
25 Director ORDERS that a Non-resident Adjuster License be issued to Applicant, subject  
26 to a CIVIL PENALTY of \$250 for providing false or misleading information in a license



1 application.

2 11. The CIVIL PENALTY assessed herein is due and payable at the time this  
3 Order is returned to the Division.

4

5 SO ORDERED this 29<sup>th</sup> day of July, 2016 in Salem,  
6 Oregon.

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PATRICK M. ALLEN, Director  
Department of Consumer and Business Services

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10 /s/ David Tatman  
David C. Tatman, Chief of Enforcement  
11 Division of Financial Regulation

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CONSENT TO ENTRY OF ORDER

I, FRANCES BERNICE RIVERA, state that I have read the foregoing Order and that I know and fully understand the contents hereof; that the factual allegations stated herein are true and correct; that I have been advised of my right to a hearing, and that I have been advised of my right to be represented by counsel in this matter; that 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; that 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 by me; and that I will fully comply with the terms and conditions stated herein.

I understand that this Order is a public document.

          /s/ Frances Rivera          

Signature

State of Texas  
County of Dallas

Signed or attested before me on this   13<sup>th</sup>   day of   July  , 2016

by FRANCES BERNICE RIVERA.

          /s/ Hershel F. Murphy, Jr.          

Notary Public

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