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

In the Matter of:	Case No. INS-16-0251
HILARY ANN WILHELM, Licensee.	FINAL ORDER TO CEASE AND DESIST AND ORDER REVOKING LICENSE, ENTERED BY DEFAULT

On September 30, 2016, the Director of the Department of Consumer and Business Services ("Director"), by and through the Division of Financial Regulation, formerly the Oregon Insurance Division, ("Division"), properly served notice ("Notice") on Hilary Ann Wilhelm ("Licensee") that the Director intended to issue an order revoking Licensee's resident insurance producer license.

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

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. Licensee has been a licensed resident individual insurance producer since

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around August 13, 2012. Licensee's national producer number is 16753735.

2. On or around February 19, 2015, Oregon resident "BK" purchased an insurance policy from Burns & Wilcox through The Stratton Agency.

3. On or around August 7, 2015, while employed by The Stratton Agency, Licensee submitted a cancellation request to Burns & Wilcox to cancel the insurance policy of BK. The cancellation request contained the signature of BK.

4. On or around September 3, 2015, Licensee terminated her employment with The Stratton Agency.

5. On or around September 23, 2015, BK signed a statement, explaining that she did not intend to cancel her insurance policy and did not sign the cancellation request received by Burns & Wilcox on August 7, 2015.

6. On September 29, 2015, the Division submitted inquiry letters to Licensee at Licensee's last recorded residence and mailing addresses and requested a response on or before October 29, 2015. Licensee did not respond to the Division's letters.

7. On July 7, 2016, the Division contacted Licensee by phone and requested that Licensee explain why she had not responded to the Division's inquiry letters. Licensee explained that she did not receive the Division's letters and provided the Division with her most recent address.

8. On August 15, 2016, the Division submitted inquiry letters to Licensee at the address Licensee provided and requested a response on or before August 31, 2016. Licensee did not respond to the Division's letters.

9. On September 30, 2016, the Division properly served notice on Licensee that the Director intended to revoke Licensee's resident insurance producer license. Licensee had 20 days to timely request a hearing. The Division did not receive a request for hearing from Licensee.

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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. Under ORS 744.074(1)(h), the Director may revoke an insurance producer license for using fraudulent, coercive or dishonest practices, or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere. Licensee used fraudulent, coercive or dishonest practices and demonstrated untrustworthiness by submitting a cancellation request for an insurance policy that BK did not request to be cancelled.

12. Under ORS 744.074(1)(k), the Director may revoke an insurance producer license for forging another person's name to an application for insurance or to any document related to an insurance transaction. Licensee forged BK's name on the insurance cancellation request.

13. Under ORS 731.296, the Director may address any proper inquiries to any licensee in relation to its activities or condition or any other matter connected with its transactions and any such person so addressed shall promptly and truthfully reply to such inquiries.

14. Under ORS 744.074(1)(b), the Director may revoke an insurance producer license for violating any insurance law. Licensee violated ORS 731.296 when she failed to respond to the Division's inquiry letters dated September 29, 2015 and August 15, 2016.

ORDERS

Now, therefore, the Director issues the following Orders:

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

16. In accordance with ORS 744.074(1)(b), the Director hereby REVOKES Licensee's resident insurance producer license for violating ORS 731.296 by failing to respond to the Division's inquiry letters dated September 29, 2015 and August 15, 2016.

17. In accordance with ORS 744.074(1)(h) the Director hereby REVOKES Licensee's Oregon resident insurance producer license for using fraudulent, coercive or dishonest practices and demonstrating untrustworthiness by submitting a cancellation request for an insurance policy that BK did not request to be cancelled.

18. In accordance with ORS 744.074(1)(k) the Director hereby REVOKES Licensee's Oregon resident insurance producer license for forging BK's name on the insurance cancellation request.

SO ORDERED this 14th day of December, 2016.

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

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

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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.