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

In the Matter of:	Case No. INS-16-0276
DAVID A. MATHERLY, Licensee.	FINAL ORDER TO CEASE AND DESIST AND ORDER REVOKING LICENSE, ENTERED BY DEFAULT

On June 23, 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 David A. Matherly ("Licensee") that the Director intended to issue an order revoking Licensee's nonresident 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 nonresident individual insurance producer since

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around January 3, 2006. Licensee's national producer number is 8501909.

2. Administrative action has been taken against Licensee in other jurisdictions as follows:

A. On or around April 28, 2010, the Georgia Commissioner of Insurance issued a Consent Order against Licensee, Case No. 11001667, imposing a $300 fine.

B. On or around February 12, 2015, the Florida Chief Financial Officer issued a Final Order against Licensee, Case No. 154165-14-AG, revoking Licensee's Florida license.

C. On or around April 20, 2015, the Idaho Department of Insurance issued a Summary Order Revoking Idaho Non-Resident Insurance Producer License against Licensee, Docket No. 18-3046-15, revoking Licensee's Idaho license.

D. On or around April 28, 2015, the Arkansas Insurance Department issued a Suspension Order against Licensee, A.I.D. No. 2015-039, suspending Licensee's Arkansas license.

E. On or around July 13, 2015, the Indiana Commissioner of Insurance issued a Findings of Fact and Suspension Order against Licensee, Cause No. 14062-AG15-0707-200, suspending Licensee's Indiana license.

3. As of the date of this Order, Licensee has not reported the abovementioned administrative actions to the Director.

4. On or around April 7, 2014, Licensee was convicted of Driving While License Revoked – Habitual Offender, a felony, in Florida Clearwater Traffic Court.

5. As of the date of this Order, Licensee has not reported the Florida felony conviction to the Director.

6. On June 23, 2016, the Division properly served notice on Licensee that the Director intended to revoke Licensee's nonresident insurance producer license. Licensee had 20 days to timely request a hearing. The Division did not receive a request for

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hearing from Licensee.

CONCLUSIONS OF LAW

The Director CONCLUDES that:

7. 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.

8. Under ORS 744.089(1), insurance producers must report to the Director any administrative action taken against the insurance producer in another jurisdiction not later than the 30th day after the date of the final disposition of the matter.

9. Under ORS 744.089(2), insurance producers must report to the Director any criminal prosecution of the insurance producer not later than the 30th day after the initial pretrial hearing date.

10. Under ORS 744.074(1)(b), the Director may revoke an insurance producer license for violating any insurance laws.

11. Under ORS 744.074(1)(f), the Director may revoke an insurance producer license for having been convicted of a felony.

12. Under ORS 744.074(1)(i), the Director may revoke an insurance producer license for cancellation, revocation, suspension or refusal to renew by any state of a license or other evidence of authority to act as an adjuster or insurance producer or consultant.

ORDERS

Now, therefore, the Director issues the following Orders:

13. 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.

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14. In accordance with ORS 744.074(1)(b), the Director hereby REVOKES Licensee's nonresident insurance producer license for violating ORS 744.089(1) by failing to report his Georgia, Florida, Idaho, Arkansas and Indiana administrative actions to the Director.

15. In accordance with ORS 744.074(1)(b), the Director hereby REVOKES Licensee's nonresident insurance producer license for violating ORS 744.089(2) by failing to report his Florida felony conviction to the Director.

16. In accordance with ORS 744.074(1)(f), the Director hereby REVOKES Licensee's nonresident insurance producer license for having been convicted of a felony.

17. In accordance with ORS 744.074(1)(i), the Director hereby REVOKES Licensee's nonresident insurance producer license for having his Florida and Idaho licenses revoked and having his Arkansas and Indiana licenses suspended.

SO ORDERED this 5th day of January, 2017.

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

/s/ David Tatman
David C. Tatman, 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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