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

In the Matter of: ASSET LIFE LLC and DONALD M. EWERS, Respondents.	Case No. INS-18-0039 ORDER TO CEASE AND DESIST, FINAL ORDER TO ISSUE LICENSE, FINAL ORDER ASSESSING CIVIL PENALTY AND CONSENT TO ENTRY OF ORDER

The Director of the Department of Consumer and Business Services for the State of Oregon ("Director"), acting in accordance with Oregon Revised Statutes ("ORS") chapters 731, 732, 733, 734, 735, 737, 742, 743, 743A, 743B, 744, 746, 748 and 750 ("Insurance Code"), has conducted an investigation into the insurance related activities of Asset Life LLC and Donald M. Ewers (collectively "Respondents").

On June 4, 2018, the Director, by and through the Division of Financial Regulation ("Division"), properly served notice ("Notice Order") on Respondents[1] that the Director intended to deny the nonresident insurance producer license renewal application of Asset Life LLC ("Asset Life"), revoke the nonresident insurance producer licenses of Asset Life and Mason B. Zerbe ("Zerbe"), and revoke the resident insurance producer license of Donald M. Ewers ("Ewers").

Respondents wish to resolve and settle this matter with the Director and the Director concludes that the goal to protect the public is served with the issuance of this Consent Order.

Now therefore, as of the date of entry of this Consent Order, the Notice Order is vacated and this Consent Order becomes final.

[1] Mason B. Zerbe was also included as a Respondent in the Notice Order.

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

FINDINGS OF FACT

The Director FINDS that:

1. Asset Life is an Arizona business entity with its last recorded business and mailing address at 2539 W St. Catherine Avenue, Phoenix, AZ 85041. Asset Life was a licensed nonresident insurance producer from September 4, 2015 until its license expired on September 30, 2017. Asset Life's national producer number is 17658356.

2. Zerbe has been licensed as an Oregon nonresident individual insurance producer since August 28, 2015 until his license expired on October 31, 2017. Zerbe's last recorded business address is 1605 W Capistrano, Phoenix, AZ 85259 and last recorded residence and mailing address is 11445 E Via Linda #2, Scottsdale, AZ 85259. Zerbe's national producer number is 695498. Zerbe was the Designated Responsible Licensed Producer ("DRLP") for Asset Life from on or around August 28, 2015 until on or around October 31, 2017.

3. Ewers has been licensed as an Oregon resident insurance producer since May 1, 2018. Ewers's last recorded business, residence and mailing address is 15892 SE Heidi Lane, Damascus, OR 97089. Ewers's national producer number is 17725988. Ewers has been the DRLP for Asset Life since on or around November 1, 2017.

4. Asset Life applied for renewal of its nonresident insurance producer license on November 1, 2017. On the application, Ewers was listed as the DRLP for Asset Life.

5. On December 28, 2017, the Division sent an email to Respondents with an Affiliation of producer, adjuster, or insurance consultant; or designation of responsible producer form (the "Form") to be completed and returned to the Division. The Division requested the Form be returned by January 2, 2018. Respondents failed to respond to the Division's email.

6. The Division sent Respondents a second email on March 26, 2018, requesting the Form to be completed and returned to the Division by April 9, 2018. Respondents

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

failed to respond to the Division's second email.

7. On June 4, 2018, the Division properly served Respondents with the Notice Order.

8. On June 20, 2018, in response to the Director's Notice Order, Respondents contacted the Division to request information about the procedure for filing a hearing request. Additionally, Respondents requested that Zerbe be removed and Ewers added as DRLP for Asset Life.

9. On June 25, 2018, Respondents submitted the Form and properly notified the Division that Zerbe had been removed and Ewers added as DRLP for Asset Life.

CONCLUSIONS OF LAW

The Director CONCLUDES that:

10. Pursuant to 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. Pursuant to ORS 744.059(2)(b), a business entity is required to designate a licensed insurance producer responsible for the business entity's compliance with the Insurance Code.

12. As the DRLP for Asset Life, Ewers is responsible for Asset Life's compliance with the Insurance Code.

13. Pursuant to ORS 744.068(5), not later than the 30th day after the authority of an individual insurance producer to act for an insurance producer that is a business entity has commenced or terminated, the business entity shall notify the Director of the commencement or termination.

14. Respondents violated ORS 744.068(5) by failing to timely notify the Director that the authority of Zerbe to act for Asset Life had terminated, the authority of Ewers to

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

act for Asset Life had commenced, or both, as described in Paragraph 2, Paragraph 3 and Paragraph 4.

15. Pursuant to ORS 744.074(1)(a), the Director may place a licensee on probation or suspend, revoke or refuse to issue or renew an insurance producer license and may take other actions authorized by the Insurance Code in lieu thereof or in addition thereto, for providing incorrect, misleading, incomplete or materially untrue information in the license application.

16. Respondents provided incomplete information in Asset Life's nonresident insurance producer license renewal application by failing to provide the Form as described in Paragraph 4, Paragraph 5 and Paragraph 6.

17. Pursuant to ORS 731.296(1), 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.

18. Pursuant to ORS 744.074(1)(b), the Director may place a licensee on probation or suspend, revoke or refuse to issue or renew an insurance producer license and may take other actions authorized by the Insurance Code in lieu thereof or in addition thereto, for violating any insurance laws, or violating any rule, subpoena or order of the director or of the insurance commissioner of another state or Mexico or Canada.

19. Respondents violated the insurance law ORS 731.296(1) on two occasions by failing to reply to the Director's inquiries as described in Paragraph 5 and Paragraph 6.

ORDERS

The Director issues the following ORDERS:

20. As authorized by ORS 731.252(1), the Director ORDERS Respondents to CEASE AND DESIST from violating any provision of the Insurance Code or the

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

administrative rules promulgated thereunder.

21. Based upon the foregoing and in accordance with ORS 731.988(1), the Director ORDERS that a nonresident insurance producer license be issued to Asset Life, subject to a CIVIL PENALTY of $1,000 as follows:

A. A CIVIL PENALTY of $500 for violating ORS 744.068(5).

B. A CIVIL PENALTY of $500 for violating ORS 731.296.

22. The $1,000 total CIVIL PENALTY assessed herein is due and payable at the time this Consent Order is returned to the Division.

SO ORDERED this 19th day of July, 2018.

CAMERON C. SMITH, Director
Department of Consumer and Business Services

/s/ Dorothy Bean
Dorothy Bean, Chief of Enforcement
Division of Financial Regulation

[The remainder of this page intentionally left blank.]

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

CONSENT TO ENTRY OF ORDER

I, Donald M. Ewers, state that I have read the foregoing Consent 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 Consent 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 Consent Order; that I understand that the Director reserves the right to take further actions against me to enforce this Consent 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 Consent Order is a public document.

/s/ DM Ewers

Signature

State of Oregon

County of Clackamas

Signed or attested before me on this 12th day of July, 2018 by Donald M. Ewers.

/s/ Kelli Bea Dietz

Notary Public

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

ENTITY CONSENT TO ENTRY OF ORDER

I, Donald M. Ewers, state that I am an officer of Asset Life LLC and I am authorized to act on its behalf. I have read the foregoing Consent Order, and I know and fully understand the contents hereof. I have been advised of the right to a hearing and of the right to be represented by counsel in this matter. Asset Life LLC voluntarily and without any force or duress consents to the entry of this Consent Order expressly waiving any right to a hearing in this matter. Asset Life LLC understands that the Director reserves the right to take further actions to enforce this Consent Order or to take appropriate action upon discovery of other violations of the Oregon Insurance Code. Asset Life LLC will fully comply with the terms and conditions stated herein.

Asset Life LLC further assures the Director that neither Asset Life LLC nor its officers, directors, employees, or agents will transact insurance in Oregon unless such activities are in full compliance with the Oregon Insurance Code. Asset Life LLC understands that this Consent Order is a public document.

Dated this 12th of July 2018.

/s/ DM Ewers
Signature

Agent
Office Held

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

ENTITY ACKNOWLEDGMENT

There appeared before me this 12th day of July, 2018, Donald M. Ewers, who was first duly sworn on oath, and stated that he was and is an officer of Asset Life LLC and that he/she is authorized and empowered to sign this Consent to Entry of Order on behalf of Asset Life LLC and to bind Asset Life LLC to the terms hereof.

/s/ Kelli Bea Dietz
Notary Public for the State of: Oregon
My commission expires: July 02, 2021

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