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

In the Matter of: CHRISTOPHER A. HAYNES, an Individual, Respondent.	Case No. INS-18-0030 FINAL ORDER TO CEASE AND DESIST AND FINAL ORDER REVOKING LICENSE, ENTERED BY DEFAULT

On April 30, 2018, the Director of the Department of Consumer and Business Services for the State of Oregon ("Director"), by and through the Division of Financial Regulation ("Division"), served Notice on Christopher A. Haynes ("Respondent") that the Director intended to issue an order revoking Respondent's nonresident insurance producer license.

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

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Salem, OR 97301-3881
Telephone: (503) 378-4387

FINDINGS OF FACT

The Director FINDS that:

1. Respondent has held an Oregon nonresident insurance producer license ("License") since July 31, 2017. Respondent's national producer number is 18333230.

2. On July 21, 2017, Respondent submitted his License application. Respondent answered "yes" to question 1a of the application, which asked, "Have you ever been convicted of a misdemeanor, had a judgment withheld or deferred, or are you currently charged with committing a misdemeanor?" Respondent was asked to explain his answer.

3. On or around July 25, 2017, Respondent submitted a letter to the Division of Financial Regulation ("Division"), in which he admitted to having received "tickets" due to "traffic violations." He did not reference prior misdemeanor convictions. He also admitted to an ongoing misdemeanor charge for domestic battery. Respondent's letter was supported by case docket documentation of the following matters:

(1) State of Arkansas, Garland County case number HTC-17-1689. Respondent was charged with committing Domestic Battery 3, a Class A misdemeanor.[1]

(2) State of Arkansas, Garland County case number HTS-13-10851. On February 4, 2016, Respondent was convicted of Driving on a Suspended License, an unclassified misdemeanor.[2]

(3) State of Arkansas, Garland County case number HTC-12-17323. On November 19, 2012, Respondent was convicted of Driving on a Suspended License.

4. Respondent has been convicted of additional misdemeanors which he did not disclose to the Division. These include:

[1] This charge was dismissed on January 18, 2018. See also Arkansas Code ("AC") 5-26-305.
[2] See AC 27-16-303.

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(1) State of Arkansas, Hot Springs County case number MVS-08-1510. On November 1, 2008, Respondent was convicted of Driving a Vehicle Without Tags, an unclassified misdemeanor.[3]

(2) State of Arkansas, Garland County case number HTC-09-19267. On August 21, 2009, Respondent was convicted of Contempt of Court for Failure to Pay Fines, a Class C misdemeanor.[4]

(3) State of Arkansas, Garland County case number HTC-10-23577. On December 21, 2010, Respondent was convicted of Disorderly Conduct, a Class C misdemeanor.[5]

(4) State of Arkansas, Garland County case number HTC-11-10411. On June 14, 2011, Respondent was convicted of Driving on a Suspended License.

(5) State of Arkansas, Garland County case number HTS-11-17841. On September 13, 2011, Respondent was convicted of Permitting an Unauthorized Person to Drive, an unclassified misdemeanor.[6]

(6) State of Arkansas, Garland County case number HTS-11-19286. On April 10, 2012, Respondent was convicted of:

(a) Driving on a Suspended License; and

(b) Issuance of Registration Certificates and Certificates of Title, an unclassified misdemeanor.[7]

(7) State of Arkansas, Garland County case number HTS-11-21532. On April 10, 2012, Respondent was convicted of:

(a) Driving on a Suspended License;

(b) Driving a Vehicle Without Tags; and

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[3] See AC 27-14-304.
[4] See AC 16-10-108.
[5] See AC 5-71-207.
[6] See AC 27-16-304.
[7] See AC 27-14-713.

(c) Driving a Vehicle/Trailer With No Registration or Tags Expired, an unclassified misdemeanor.[8]

(8) State of Arkansas, Garland County case number HTC-12-2856. On April 10, 2012, Respondent was convicted of Driving on a Suspended License.

(9) State of Arkansas, Garland County case number HTC-11-10400. On February 4, 2016, Respondent was convicted of Contempt of Court for Failure to Pay Fines.

(10) State of Arkansas, Garland County case number HTC-11-21105. On February 4, 2016, Respondent was convicted of Failure to Appear on a Class C Misdemeanor, a Class B misdemeanor.[9]

5. In his License application, Respondent identified his business address as 216 Ward St., Hot Springs, AR 71912 and his business phone number as 501-609-9538. This address and phone number are affiliated with SeniorcareUSA, Respondent's former employer.

6. Respondent has not been employed with SeniorcareUSA since December 4, 2017.

7. To date, Respondent has not reported a change in business address or business phone number to the Director.

CONCLUSIONS OF LAW

The Director CONCLUDES that:

8. It was misleading for Respondent to provide documentation of two of his misdemeanor convictions while omitting documentation of thirteen additional misdemeanor convictions.

[8] See AC 27-14-701.
[9] See AC 5-54-120.

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9. Because Respondent provided misleading and incomplete information on his License application, the Director may revoke his License pursuant to Oregon Revised Statutes ("ORS") 744.074(1)(a).

10. By failing to notify the Director of a change in his business address and business phone number within thirty days of the end of his employment with SeniorcareUSA, Respondent violated ORS 744.068.

11. Because Respondent violated ORS 744.068, the Director may revoke his License pursuant to ORS 744.074(1)(b).

12. Because the Director has reason to believe that Respondent has been engaged, is engaging, or is about to engage in violation of the Insurance Code,[10] the Director may issue an order to Respondent to cease and desist pursuant to ORS 731.252(1).

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[10] The Insurance Code is comprised of ORS chapters 731, 732, 733, 734, 735, 737, 742, 743, 743A, 743B, 744, 746, 748 and 750, and the administrative rules promulgated thereunder.

ORDERS

Now therefore, the Director issues the following Orders:

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

2. As authorized by ORS 744.074, the Director hereby REVOKES Respondent's Oregon nonresident insurance producer license:

(1) For providing misleading and incomplete information on his Oregon nonresident insurance producer license application, pursuant to ORS 744.074(1)(a); and

(2) For violating ORS 744.068, pursuant to ORS 744.074(1)(b).

SO ORDERED this 30th day of May, 2018.

CAMERON C. SMITH, 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

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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