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

In the Matter of: SONIA FERNANDEZ, Respondent.	Case No. INS-18-0038 FINAL ORDER TO CEASE AND DESIST, FINAL ORDER DENYING LICENSE APPLICATION AND REVOKING LICENSE, ENTERED BY DEFAULT

On May 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"), properly served notice ("Notice Order") on Sonia Fernandez ("Respondent") that the Director intended to issue an order denying the renewal license application and revoking Respondent's nonresident insurance producer license.

The Notice Order offered Respondent an opportunity for a hearing if requested within 60 days of service of the Notice Order. The Notice Order 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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350 Winter Street NE, Suite 410
Salem, OR 97301-3881
Telephone: (503) 378-4387

FINDINGS OF FACT

The Director FINDS that:

1. Respondent is a California resident with her last recorded residence and mailing address at 6881 Landing Court, Mira Loma, CA 91752. Respondent was a licensed nonresident individual insurance producer from June 22, 2015 until her license expired on April 30, 2018. Respondent's national producer number is 17068775.

2. Respondent applied for renewal of her license on February 21, 2018. As part of the application process, Respondent completed and submitted to the Division an application form indicating that she had been convicted of a felony or misdemeanor. Respondent was convicted of welfare fraud, a misdemeanor, in the Superior Court of California, County of Riverside on March 2, 2017. Respondent included only the sentencing memorandum page from the California court and included no additional documents or any explanation surrounding the circumstances of the conviction.

3. On March 8, 2018, the Division sent an email to Respondent requesting additional information about the 2017 welfare fraud conviction and set a response date of March 22, 2018. Respondent failed to respond to the Division's email by the March 22, 2018 deadline.

4. The Division sent Respondent a second email on April 19, 2018, again requesting additional information about the conviction, and set a response date of April 29, 2018. Respondent failed to respond to the Division's email by the April 29, 2018 deadline.

5. On May 30, 2018, the Division properly served Respondent with a Notice Order. Respondent had 60 days to timely request a hearing. The Division did not receive a request for hearing from Respondent.

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CONCLUSIONS OF LAW

The Director CONCLUDES that:

6. 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.

7. Pursuant to ORS 744.011(1), the expiration of a license or the voluntary surrender of a license by a licensee under this chapter shall not deprive the Director of jurisdiction to proceed with any investigation of, or any action or disciplinary proceedings against, the licensee or to revise or render void an order suspending or revoking the license.

8. 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.

9. Respondent provided incomplete information in her license application by failing to provide additional documents or any explanation surrounding the circumstances of her 2017 welfare fraud conviction as described in Paragraph 2.

10. 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.

11. 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

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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.

12. Respondent violated the insurance law ORS 731.296(1) on two occasions by failing to reply to the Director's inquiries as described in Paragraph 3 and Paragraph 4.

ORDERS

Now, therefore, the Director issues the following Orders:

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

14. In accordance with ORS 744.074(1)(a), the Director hereby DENIES Respondent's renewal license application for providing incomplete information in her application by failing to provide additional documents or any explanation surrounding the circumstances of her 2017 welfare fraud conviction as described in Paragraph 2.

15. In accordance with ORS 744.074(1)(b), the Director hereby DENIES Respondent's renewal license application for violating the insurance law ORS 731.296(1) on two occasions by failing to reply to the Director's inquiries as described in Paragraph 3 and Paragraph 4.

16. In accordance with ORS 744.074(1)(a), the Director hereby REVOKES Respondent's nonresident insurance producer license for providing incomplete information in her license application by failing to provide additional documents or any explanation surrounding the circumstances of her 2017 welfare fraud conviction as described in Paragraph 2.

17. In accordance with ORS 744.074(1)(b), the Director hereby REVOKES Respondent's nonresident insurance producer license for violating the insurance law ORS

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731.296(1) on two occasions by failing to reply to the Director's inquiries as described in Paragraph 3 and Paragraph 4.

SO ORDERED this 6th day of August, 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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