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

In the Matter of: KYLE J. SAENZ, Applicant.	Case No. INS-18-0087 ORDER TO CEASE AND DESIST, FINAL ORDER TO ISSUE LICENSE, FINAL ORDER ASSESSING CIVIL PENALTY AND CONSENT TO ENTRY OF ORDER THIS IS A FINAL 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") and specifically ORS 731.260, has conducted an investigation into the nonresident insurance producer license application of Kyle J. Saenz ("Applicant").

Applicant submits to the Director's jurisdiction and agrees to waive his rights to notice and an administrative hearing that arise under ORS 183.415 and wishes to resolve this matter by consenting to entry of this Final Order.

Now, therefore, as evidenced by the authorized signatures subscribed on this document, the Director issues the following Findings of Fact, Conclusions of Law, and Final 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. Applicant is a California resident with his last recorded business and mailing address at 28350 S. Western Ave, Rancho Palos Verdes, CA 90275. Respondent's

national producer number is 16706411.

2. Applicant first applied for an Oregon nonresident insurance producer license ("License") on February 16, 2015.

3. As part of the application process, Applicant completed and submitted to the Insurance Division, now known as the Division of Financial Regulation ("Division"), an application form ("2015 Application") indicating the following:

A. Applicant had never been named or involved as a party in an administrative proceeding.

B. Applicant had never been convicted of a misdemeanor.

4. During review of the 2015 Application, the Division learned the following:

A. Applicant was involved in an administrative proceeding in California on June 27, 2012.

B. Applicant was convicted of disorderly conduct, a misdemeanor, in California on January 16, 2007.

5. After the 2015 Application was filed, and the prior administrative action and misdemeanor conviction were discovered, Applicant admitted to being the subject of both and provided the requested documentation and details surrounding the incidents.

6. On March 28, 2016, the Division offered by means of a consent order to issue the License subject to a civil penalty. Applicant, through lack of response, declined the issuance of his License subject to a civil penalty.

7. On June 8, 2016, the Division properly served notice on Applicant that the Director intended to deny Applicant's 2015 Application. Applicant had 60 days to timely request a hearing. The Division did not receive a request for hearing from Applicant.

8. On August 15, 2016, by a final order entered by default, the Division denied Applicant's 2015 Application.

9. Applicant again applied for a License on September 5, 2018.

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10. As part of the application process, Applicant completed and submitted to the Division an application form ("2018 Application") indicating that he has been named or involved as a party in an administrative proceeding and has been convicted of a misdemeanor. Applicant provided documentation and details surrounding the incidents.

CONCLUSIONS OF LAW

The Director CONCLUDES that:

11. Under ORS 731.260, no person shall file with the Director any application known to be false or misleading.

12. Applicant's representation in his 2015 Application that he had not been subject to administrative action was false and misleading.

13. Applicant's representation in his 2015 Application that he had not been convicted of a misdemeanor was false and misleading.

14. Under ORS 731.988(1) the Director may impose a civil penalty of up to $1,000 per violation upon any individual who violates a provision of the Insurance Code.

ORDERS

Now therefore, the Director issues the following Orders:

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

16. Based upon the foregoing and in accordance with ORS 731.988(1), the Director ORDERS that a nonresident insurance producer license be issued to Applicant, subject to a CIVIL PENALTY of $250 for providing false or misleading information in a license application as described in Paragraph 12 and Paragraph 13.

17. The CIVIL PENALTY assessed herein is due and payable at the time this

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Consent Order is returned to the Division.

SO ORDERED this 1st day of October, 2018.

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

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

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CONSENT TO ENTRY OF ORDER

I, Kyle J. Saenz, 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 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/ Kyle Saenz

Signature

State of California

County of Los Angeles

Signed or attested before me on this 21st day of September, 2018 by Kyle J. Saenz.

/s/ Enrique Montes

Notary Public

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