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

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| In the Matter of: | Case No. INS-17-0138 |
| MIRIAM SOSA,<br><br>Respondent. | FINAL ORDER TO CEASE AND DESIST, FINAL ORDER REVOKING LICENSE AND ASSESSING A CIVIL PENALTY, ENTERED BY DEFAULT |

On November 30, 2017, 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 on MIRIAM SOSA ("Sosa") that the Director intended to revoke Sosa's Oregon resident insurance producer license ("License") and assess a civil penalty.

The Director makes the following Findings of Fact, Conclusions of Law, Orders, and Notice of Right to an Administrative Hearing.

The Notice offered Sosa an opportunity for a hearing, if requested within 30 days. The Notice further informed Sosa that if a hearing was not conducted because Sosa did not timely request a hearing or otherwise defaulted, then the designated portion of the Director's file and all materials submitted by Sosa 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 Sosa 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.

The Director makes the following Findings of Fact, Conclusions of Law, Orders, and Notice of Right to Judicial Appeal.

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## FINDINGS OF FACT

The Director FINDS that:

1. Sosa has had an Oregon resident insurance producer license since April 1, 2009. Sosa's national producer number is 7079613.

2. At all times relevant to this investigation, Sosa was appointed with State Farm Insurance.

3. On November 17, 2016, the Division of Financial Regulation ("Division") received notification that Sosa was terminated for cause.

4. State Farm received a complaint from customer F.A. stating that Sosa made unauthorized charges on her financial card to purchase products Sosa was selling from Kyani, Inc.

5. State Farm received a second complaint from customer R.O. stating that Sosa made unauthorized charges on his financial card to purchase products Sosa was selling from Kyani, Inc.

6. Based on these complaints, State Farm conducted an internal audit that revealed that Sosa deleted or altered four consumer cash premium payments without the consumers' knowledge, including:

A. On July 6, 2016, a fifty (50) dollar cash payment was deleted from consumer account for D.P. On the same day, a fifty (50) dollar cash payment was placed on F.A.'s consumer account.

B. On July 11, 2016, a sixty (60) dollar cash payment was deleted from consumer account for D.P. On the same day, a sixty (60) dollar cash payment was placed on F.A.'s consumer account.

C. F.A. stated that she never paid premiums with cash and asserted that Sosa offered to credit her insurance policy as reimbursement for the unauthorized use of F.A.'s financial card.

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7. Sosa admitted to borrowing approximately $2,000 from various consumers of the agency. Some of the funds borrowed were taken from consumers' life loan disbursements without the consumers' permission.

## CONCLUSIONS OF LAW

The Director CONCLUDES that:

8. 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.

9. Under ORS 744.074(1)(d), the Director may revoke an insurance producer license for improperly withholding, misappropriating or converting any moneys or properties received in the course of doing insurance business.

10. Under ORS 744.074(1)(g), the Director may revoke an insurance producer license for having been found to have committed any unfair trade practice or fraud related to insurance.

11. Under ORS 744.074(1)(h), the Director may revoke an insurance producer license for using fraudulent, coercive or dishonest practices, or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere.

12. Sosa violated ORS 744.074(1)(d), (g) and (h) by making unauthorized charges on consumers financial cards, deleting or modifying consumers cash premium payments and borrowing funds from consumers.

13. 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.

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ORDERS

Now therefore, the Director issues the following Orders:

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

15. Based upon the foregoing and in accordance with ORS 744.074(1)(d), (g) and (h), the Director hereby REVOKES Sosa's resident insurance producer license.

16. Based upon the foregoing and in accordance with ORS 731.988(1), the Director ORDERS a CIVIL PENALTY of $2000.

SO ORDERED this 3rd day of January, 2018 in Salem, Oregon.

CAMERON C. SMITH, Acting 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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