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

In the Matter of:	Case No. INS-18-0037
MARK WULK, Respondent.	FINAL ORDER TO CEASE AND DESIST, FINAL ORDER REVOKING LICENSE, ENTERED BY DEFAULT

On May 24, 2018, 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"), properly served Notice on Mark Wulk ("Wulk") that the Director intended to revoke the Oregon resident insurance producer license of Wulk.

The Notice offered Wulk an opportunity for a hearing, if requested within 30 days. The Notice further informed Wulk that if a hearing was not conducted because Wulk did not timely request a hearing or otherwise defaulted, then the designated portion of the Director's file and all materials submitted by Wulk 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 Wulk 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. Wulk has been licensed as an Oregon resident insurance producer since March 4, 2014. Wulk's national producer number is 17207105.

2. On October 4, 2017, the Division of Financial Regulation ("Division") received a referral from Oregon Senior Health Insurance Benefits Assistance ("SHIBA") reporting that Wulk made unsolicited direct contact with a consumer and sold him a Medicare Advantage Plan with AARP Medicare Complete Plan 1[1].

3. On January 9, 2018, the Director sent an electronic mail ("email") message to the email address associated with Wulk's resident insurance producer license ("License") profile requesting information regarding the unsolicited direct contact with a consumer. Wulk was given until January 30, 2018 to respond to the Director's request.

4. On February 1, 2018, the Director sent a letter by regular mail to Wulk's last recorded residential address requesting information regarding the unsolicited direct contact with a consumer. Wulk was given until February 22, 2018 to respond to the Director's request.

5. On April 9, 2018, the Director sent a letter by regular and certified mail to Wulk's last recorded business address requesting information regarding the unsolicited direct contact with a consumer. Wulk was given until April 27, 2018 to respond to the Director's request.

6. As of May 24, 2018, Wulk has not responded to the multiple inquiries by the Director.

CONCLUSIONS OF LAW

The Director CONCLUDES that:

7. Pursuant to ORS 731.252(1), whenever the Director has reason to believe that

[1] Agents are prohibited from marketing through unsolicited direct contact. 42 CFR 422.2268(d).

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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.

8. Pursuant to ORS 731.296, 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. Wulk failed to respond to multiple inquiries by the Director.

9. Pursuant to ORS 744.074(1)(b), the Director may revoke an insurance producer licensee for violating any insurance laws, or violating any rule, subpoena or order of the Director. ORS 731.296 is an insurance law violated by Wulk.

ORDERS

Now therefore, the Director issues the following Order and Proposed Order:

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

11. The Director, pursuant to ORS 744.074(1)(b), hereby REVOKES Wulk's Oregon resident insurance producer license.

SO ORDERED this 28th day of June, 2018 in Salem, Oregon.

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

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

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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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