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

In the Matter of: TYSON N. MILTENBERGER, Licensee.	Case No. INS-19-0119 ORDER TO CEASE AND DESIST, FINAL ORDER TO ISSUE LICENSE SUBJECT TO TERMS OF PROBATION 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"), has conducted an investigation into the insurance-related activities of Tyson N. Miltenberger ("Licensee").

Licensee 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. Licensee was licensed as an Oregon nonresident insurance producer from July 12, 2006 until his license expired on April 30, 2013, from November 14, 2013 until his

license expired on April 30, 2015, and from March 2, 2017 until his license expired on April 30, 2019. Licensee's NAIC national producer number is 8329111.

2. In 2018, Licensee was subject to a Stipulated Consent Judgment ("Judgement") in the Superior Court of the State of Arizona, case number CV2018-011370. The Judgement found that Licensee violated the Arizona Consumer Fraud Act, Arizona Revised Statute § 44-1521, *et seq*. ("CFA").

3. Licensee applied for an Oregon resident insurance producer license ("License") on August 19, 2019. As part of the application process, Licensee completed and submitted to the Division of Financial Regulation ("Division") an application form indicating that he had previously been subject to the Arizona Judgment and provided the Division with the details and circumstances surrounding the Judgment.

CONCLUSIONS OF LAW

The Director CONCLUDES that:

4. 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.

5. Pursuant to ORS 744.074(1)(h), 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 using fraudulent, coercive or dishonest practices, or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere.

6. Licensee used fraudulent, coercive or dishonest practices in the conduct of business by violating the Arizona CFA as described in Paragraph 2 above.

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ORDERS

The Director issues the following ORDERS:

7. As authorized by ORS 731.252(1), the Director ORDERS Licensee to CEASE AND DESIST from using fraudulent, coercive or dishonest practices in the conduct of business.

8. Based upon the foregoing and in accordance with ORS 744.074(1)(h), the Director ORDERS that a resident insurance producer license be issued to Licensee, subject to the following terms of probation:

A. Licensee shall obey all federal, state, and local laws.

B. Licensee shall comply with all insurance statutes, rules, and regulations.

C. Licensee will comply with all licensing requirements of any state.

D. Licensee agrees not to have any equity interest in or be an officer or director of any person that is issued any license authorized by ORS chapter 744. Licensee may, however, own an interest in a publicly traded insurance company not to exceed 1%.

E. Licensee will not begin new employment with a person that is issued any license authorized by ORS chapter 744 without first notifying and receiving approval from the Division in order to allow the Division to confirm that proper processes and procedures are in place that appropriately supervise Licensee's insurance-related activities.

F. Licensee will submit proof of completion of three hours of continuing education in ethics to the Division (web.insagent@oregon.gov) within 90 days of the effective date of this Consent Order. This continuing education requirement is in addition to any other continuing education requirements for maintenance of Licensee's License.

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9. The term of this probation will be from the effective date of this Consent Order until the expiration of the License issued herein.

SO ORDERED this 7th day of November, 2019.

LOUIS SAVAGE, 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, Tyson N. Miltenberger , 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 Consent 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/ Tyson N. Miltenberger

Signature

State of Oregon

County of Jackson

Signed or attested before me on this 6th day of November, 2019 by Tyson N. Miltenberger .

/s/ Julie A. Stephens

Notary Public

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