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

In the Matter of: Nicole Davenport and NDavenport, LLC Respondents.	Case No. INS-20-0046 FINAL ORDER TO CEASE AND DESIST, FINAL ORDER REVOKING LICENSES, ENTERED BY DEFAULT

On October 7, 2020, 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 Nicole Davenport (Davenport) and NDavenport, LLC (collectively, "Respondents") that the Director proposed to revoke Respondents' nonresident insurance producer license.

The Notice offered Respondents an opportunity for a hearing, if requested within 20 days. The Notice further informed Respondents that if a hearing was not conducted because Respondents did not timely request a hearing or otherwise defaulted, then the designated portion of the Director's file and all materials submitted by Respondents in this case would automatically become part of the contested case record for the purpose of providing a *prima facie* case.

The Director did not receive from Respondents 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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350 Winter Street NE, Suite 410
Salem, OR 97301-3881
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FINDINGS OF FACT

The Director FINDS that:

1. Davenport had been licensed as a nonresident insurance producer in the state of Oregon since May 15, 2019, her national insurance producer number (NPN) is 18317488.

2. Davenport is affiliated with and the designated responsible licensed producer for NDavenport, LLC.

3. NDavenport, LLC had also been licensed as a nonresident insurance producer in the state of Oregon since May 28, 2019, with NPN 18496131.

4. On or around May 18, 2020, the Oregon Division of Financial Regulation ("Division") received notice through the National Association of Insurance Commissioner's Regulatory Information Retrieval System (RIRS) that the state of Washington revoked the nonresident insurance producer licenses of Respondents effective May 11, 2020.

5. The state of Washington revoked the nonresident producer licenses of Respondents in Order No. 20-0327, for enrolling 229 insureds in Medicare plans without their knowledge or consent. In the Order, Davenport admits that a she met with some at Pharmacy Plus and they signed the applications. A representative from Pharmacy Plus also provided verbal consumer consent and provided Medicaid and Medicare cards for those consumers. Davenport admitted, "I signed the applications for those consumers. I am unsure how many consumers' names I signed to the applications…" Davenport received $64,443.47 in commissions from the fraudulent Medicare enrollments.

6. Respondents failed to inform the Division of Washington's administrative action within 30 days of the final disposition.

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CONCLUSIONS OF LAW

The Director CONCLUDES that:

7. 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.

8. Pursuant to ORS 744.074(1)(i), the Director may revoke or refuse to issue or renew an insurance producer license for the cancellation, revocation, suspension or refusal to renew by any state of an insurance producer license. The record of the cancellation, revocation, suspension or refusal to renew shall be conclusive evidence of the action taken. The Director may revoke the nonresident insurance producer licenses of Respondents because the state of Washington revoked their nonresident insurance producer licenses.

9. Pursuant to ORS 744.089(1), an insurance producer shall report to the Director any administrative action taken against the insurance producer in another jurisdiction not later than the 30th day after the date of the final disposition of the matter. Respondents failed to notify the Director of the administrative actions described in paragraph 5 of this Order within 30 days of the final disposition of the matters.

10. Pursuant to ORS 744.074(1)(b), the Director may revoke or refuse to issue or renew an insurance producer license for violating any insurance laws, or violating any rule, subpoena or order of the director. Respondents violated ORS 744.089(1).

ORDERS

Now therefore, the Director issues the following Orders:

11. As authorized by ORS 731.252(1), the Director ORDERS Respondents to CEASE AND DESIST from violating ORS 744.074(1)(b) and (i).

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12. The Director, pursuant to ORS 744.074(1)(b) and (i), hereby REVOKES Davenport's nonresident insurance producer license.

13. The Director, pursuant to ORS 744.074(1)(b) and (i), hereby REVOKES NDavenport, LLC's nonresident insurance producer license.

SO ORDERED this 5th day of November, 2020 in Salem, Oregon.

ANDREW R. STOLFI, 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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