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

In the Matter of: Zahirah L. Martinez, Respondent.	Case No. INS-19-0138 FINAL ORDER TO CEASE AND DESIST, FINAL ORDER DENYING APPLICATION, FINAL ORDER REVOKING LICENSE, ENTERED BY DEFAULT

On January 27, 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 Zahirah L. Martinez ("Martinez") that the Director proposed to deny Martinez's application to add a line of authority and revoke her nonresident insurance producer license.

The Notice offered Martinez an opportunity for a hearing, if requested within 60 days. The Notice further informed Martinez that if a hearing was not conducted because Martinez did not timely request a hearing or otherwise defaulted, then the designated portion of the Director's file and all materials submitted by Martinez 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 Martinez a request for a hearing and did not conduct a hearing.

The Director Finds that the record of this proceeding provides 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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Salem, OR 97301-3881
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FINDINGS OF FACT

The Director FINDS that:

1. Martinez has been licensed as a nonresident insurance producer with a life line of authority in the state of Oregon since May 21, 2018. Martinez's national insurance producer number is 10651791.

2. On or around October 11, 2019, the Oregon Division of Financial Regulation ("Division") received Martinez's nonresident application to add health as a line of authority.

3. As part of the application process, Martinez completed and submitted to the Division an application form indicating that she had never been named or involved as a party in an administrative proceeding.

4. During review of the application, the Division learned that the state of Louisiana revoked Martinez's resident insurance producer license in Article # 7015 1660 0000 5831 9936, for presenting materially false information in support of an application for insurance in the conduct of business and in support of an insurance policy. The final order became effective February 18, 2019.

5. Martinez failed to inform the Division of the above administrative action within 30 days of the final disposition.

6. On October 21, 2019, the Division received a letter of explanation regarding the Louisiana action wherein Martinez states she filed an appeal and is waiting on a final decision. Martinez was unable to provide any documentation of the appeal.

7. On November 14, 2019, the Division contacted Martinez via email at zahirah76@gmail.com requesting an update on her appeal regarding the Louisiana action and requesting that she upload documents to the necessary database by November 19, 2019.

8. On November 20, 2019, the Division sent Martinez a second email requesting response from Martinez by November 22, 2019.

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9. The Division additionally attempted to contact Martinez via phone but was unable to leave a message.

10. As of January 16, 2020, Martinez has not contacted the Division with an update.

CONCLUSIONS OF LAW

The Director CONCLUDES that:

11. 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.

12. Pursuant ORS 744.074(1)(a), the Director may revoke or refuse to issue an insurance producer license if an applicant provides incorrect, misleading, incomplete or materially untrue information in the license application. Martinez's representation in her application that she had never been named or involved as a party in an administrative proceeding was incorrect, misleading, incomplete or materially untrue.

13. Pursuant to ORS 744.074(1)(i), the Director may revoke or refuse to issue an insurance producer license for the revocation by any state of an insurance producer license. The record of the revocation shall be conclusive evidence of the action taken. The Director may revoke Martinez's nonresident insurance producer license because the state of Louisiana has revoked Martinez's insurance producer license.

14. 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. Martinez failed to notify the Director of the Louisiana administrative action within 30 days of the final disposition of the matter.

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15. Pursuant ORS 744.074(1)(b), the Director may revoke or refuse to issue an insurance producer license if a licensee violates any insurance law. Martinez violated ORS 744.089 by failing to notify the Director of all administrative actions within 30 days of the final disposition of the matter.

ORDERS

Now therefore, the Director issues the following Orders:

16. As authorized by ORS 731.252(1), the Director ORDERS Martinez to CEASE AND DESIST from violating ORS 744.074(1)(a), (b) and (i) and ORS 744.089(1).

17. The Director, pursuant to ORS 744.074(1)(a), (b) and (i), hereby DENIES Martinez's application for a new line of authority.

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

SO ORDERED this 31st day of March, 2020 in Salem, Oregon.

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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NOTICE OF RIGHT TO AN ADMINISTRATIVE HEARING

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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