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

In the Matter of:	Case No. INS-17-0052
PHILIP G. HARDIE-MAINHARDT, Applicant.	ORDER TO CEASE AND DESIST, FINAL ORDER TO ISSUE LICENSE SUBJECT TO TERMS OF PROBATION, FINAL ORDER ASSESSING CIVIL PENALTY 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") and specifically ORS 744.074, has conducted an investigation into the resident insurance producer license application of Philip G. Hardie-Mainhardt ("Applicant").

Applicant wishes to resolve and settle this matter with the Director.

Now, therefore, as evidenced by the signature(s) subscribed on this Order, Applicant hereby CONSENTS to entry of this 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. Applicant applied for a resident insurance producer license ("License") on August 17, 2021. Applicant's national producer number is 20028098.

2. As part of the application process, Applicant completed and submitted to the Division of Financial Regulation ("Division") an application form indicating that he had

never been convicted of a misdemeanor, felony, or military offense.

3. During review of the application, the Division learned that Applicant was convicted of violating Article 86 of the Uniform Code of Military Justice (absence without leave) during a court martial proceeding which resulted in a bad-conduct discharge on or around November 5, 2001.

4. After the application was filed, and the prior military conviction was discovered, Applicant admitted to being the subject of that conviction.

CONCLUSIONS OF LAW

The Director CONCLUDES that:

5. 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.

6. Pursuant to ORS 744.074(1)(a), 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 providing incorrect, misleading, incomplete or materially untrue information in the license application.

7. Applicant's representation in his application that he had not been convicted of a misdemeanor, felony, or military offense was incorrect, misleading, incomplete and materially untrue.

8. Pursuant to ORS 731.260, no person shall file with the Director any application known to be false or misleading.

9. Applicant violated ORS 731.260 by filing an application with the Director that was false and misleading.

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10. Pursuant to ORS 744.074(1)(b), 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 violating any insurance laws, or violating any rule, subpoena or order of the Director or of the insurance commissioner of another state or Mexico or Canada.

11. Pursuant to 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.

ORDERS

Now therefore, the Director issues the following Orders:

12. Pursuant to ORS 731.252(1), the Director ORDERS Applicant to CEASE AND DESIST from violating ORS 731.260 and ORS 744.074(1).

13. Pursuant to ORS 744.074(1), the Director ORDERS that a resident insurance producer license be issued to Applicant subject to the following terms of probation:

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

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

C. Applicant will submit proof of completion of eight hours of continuing education in ethics to the Division (DFR.ReportEnforcement@oregon.gov) within six months after the effective date of this Order. This continuing education requirement is in addition to any other continuing education requirements for maintenance of Applicant's License.

14. The term of this probation will be for two years from effective date of this Order.

15. Pursuant to ORS 731.988(1), the Director ORDERS that Applicant pay a CIVIL PENALTY of $500 for providing false and misleading information in a license application.

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16. The Director hereby suspends payment of the $500 CIVIL PENALTY for a period of two years. If, during the two year period following the effective date of this Order, Applicant complies with the terms of this Order and the Director has not initiated an enforcement action for new violations of the same provisions of the Insurance Code identified in this Order, the Director WAIVES the collection of the suspended CIVIL PENALTY assessed herein. The Director reserves the right to immediately assess and collect the suspended civil penalty upon a determination that Applicant has violated any term of this Order.

17. This Order is a "Final Order" under ORS 183.310(6)(b). Subject to that provision, the entry of this Order does not limit other remedies that are available to the Director under Oregon law.

SO ORDERED this 18th day of October, 2021.

ANDREW R. STOLFI, 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, Philip G. Hardie-Mainhardt, state that I have read the foregoing 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 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 Order; that I understand that the Director reserves the right to take further actions against me to enforce this 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 Order is a public document.

/s/ Philip G. Hardie-Mainhardt

Signature

State of Oregon

County of Clackamas

Signed or attested before me on this 16th day of October , 2021 By Philip G. Hardie-Mainhardt.

/s/ Warren Kenneth Holzem

Notary Public

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