

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

In the Matter of:

Case No. S-21-0030

DIA D. HOWELL,
(CRD #3074159, NPN #7126566)

Respondent.

FINAL ORDER TO CEASE AND
DESIST, ORDER DENYING
USE OF EXEMPTIONS, BAR FROM
FINANCIAL SERVICES BUSINESS
ACTIVITIES, ORDER ASSESSING
CIVIL PENALTIES, AND CONSENT
TO ENTRY OF 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") 59.005 to 59.451, 59.991 and 59.995, and Oregon Administrative Rules ("OAR") chapter 441, and the amendments thereto ("Oregon Securities Law"), has conducted an investigation of the business activities of Dia D. Howell ("Respondent").

Respondent wishes to resolve this matter with the Director;

Now, therefore, as evidenced by the signature subscribed herein, Respondent hereby CONSENTS to the entry of this Order.

FINDINGS OF FACT

The Director FINDS that:

Licenses and employment

1. Dia D. Howell ("Howell") was licensed in Oregon as a securities salesperson to work for a broker-dealer ("Firm A") from March 5, 2002 to March 3, 2020. The Central Registration Depository number for Howell is #3074159.

2. Howell was licensed in Oregon as an investment adviser representative to work for "Firm A" from January 1, 2010 to February 13, 2020.

3. Howell was a nonresident insurance producer approved in Oregon to sell life,

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Salem, OR 97301-3881
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1 health, and variable lines insurance. Howell became licensed as a nonresident insurance
2 producer in Oregon in 2017. Howell's nonresident insurance producer license expired
3 May 31, 2020. The National Producer Number for Howell is #7126566.

4 4. On February 11, 2020, "Firm A" terminated Howell's employment
5 relationship with "Firm A" due to multiple violations of internal firm policies by Howell.

6 **FINRA investigation**

7 5. In 2020, after Howell's employment with "Firm A" was terminated, the
8 Financial Industry Regulatory Authority (FINRA) opened an inquiry regarding Howell's
9 securities business activities.

10 6. As part of its inquiry, FINRA requested documents and information from
11 Howell on April 21, 2020, pursuant to FINRA Rule 8210. The information FINRA
12 requested was due from Howell on May 5, 2020.

13 7. Howell did not provide responsive documents or information to FINRA. On
14 May 27, 2020, FINRA sent a second request for documents and information to Howell.

15 8. Howell never provided responsive documents or information to FINRA.
16 Instead, counsel for Howell informed FINRA that Howell would not respond to FINRA's
17 inquiry.

18 9. On July 2, 2020, FINRA suspended Howell from associating with any
19 member of FINRA, because Howell failed to provide documents and information FINRA
20 requested from Howell, pursuant to FINRA Rule 8210.

21 10. On September 11, 2020, FINRA barred Howell from associating with any
22 member of FINRA in any capacity.

23 **The Division's investigation**

24 11. On April 12, 2021, while conducting an investigation on behalf of the Director
25 regarding the securities and insurance business activities of Howell, an investigator for the
26 Division of Financial Regulation ("the Division Investigator") issued a subpoena to



1 Howell. The subpoena required Howell to appear and give testimony in Salem, Oregon on
2 April 30, 2021, pursuant to ORS 59.245. The Division Investigator mailed the subpoena to
3 Howell by certified mail via the United States Postal Service.

4 12. Howell signed a form acknowledging receipt of the mailing from the Division
5 Investigator that contained the subpoena, and the form was returned to the Division.

6 13. On or about April 20, 2021, counsel for Howell sent a letter of representation to
7 the Division Investigator, requesting to re-schedule Howell's appearance date, and
8 requesting that Howell appear by telephone.

9 14. Also on April 20, 2021, the Division Investigator sent an email in response to
10 the email from counsel for Howell. The Division Investigator agreed that Ms. Howell may
11 appear by telephone instead of in person, due to the current environment, and asked
12 counsel to propose available dates and times for Howell to appear and testify by telephone.
13 The Division Investigator sent a follow up email to counsel on April 30, 2021, again
14 requesting counsel to send their available dates for Howell's appearance and testimony.

15 15. Counsel for Howell did not send the Division's Investigator a list of potential
16 dates and times for Howell to appear by telephone and testify. Eventually, counsel for
17 Howell informed the Division Investigator that Howell would not be testifying.

18 16. To date, Howell has never appeared or testified as required by the Division
19 Investigator's subpoena, and Howell has not provided any substantive response to the
20 Division Investigator's subpoena.

21 CONCLUSIONS OF LAW

22 The Director CONCLUDES that:

23 17. The Director has jurisdiction over the business activities of Howell pursuant to
24 ORS 59.235 and ORS 731.236.

25 18. Under ORS 59.315(1), for the purpose of an investigation or proceeding under
26 the Oregon Securities Law, the Director may administer oaths and affirmations, subpoena



witnesses, compel their attendance, take evidence, and require the production of books, papers, correspondence, memoranda, agreements or other documents or records which the director deems relevant or material to the inquiry.

19. Under ORS 59.245(1), the Director may make such public or private investigations within or outside this state as the Director deems necessary to determine whether a person has violated or is about to violate any provision of the Oregon Securities Law or any rule or order of the director, or to aid in the enforcement of the Oregon Securities Law or in the formulation of rules and forms thereunder. Under ORS 59.245(2), the Director may require or permit a person to file a statement in writing, under oath or otherwise as the director determines, as to all the facts and circumstances concerning the matter to be investigated.

20. Because Howell failed to appear and give testimony, or provide any substantive response to the Division Investigator's subpoena of April 12, 2021, despite acknowledging receipt of it, Howell violated ORS 59.315(1) and ORS 59.245(2).

21. Because the Director has reason to believe that Howell has engaged, is engaging, or is about to engage in violations of the Oregon Securities Law, the Director may issue an order to Howell to cease and desist from violations of the Oregon Securities Law under ORS 59.245(4).

22. Because the Director has reason to believe that Howell has engaged or is about to engage in violations of the Oregon Securities Law, or that the use of any exemption by Howell would work as a fraud or imposition on purchasers, the Director may deny Howell the use of exemptions to the securities registration requirements under ORS 59.045(2).

23. According to ORS 59.995, any person who violates or who procures, aids or abets in the violation of the Oregon Securities Law may be subject to a civil penalty in an amount not to exceed \$20,000 per violation, and every violation is a separate offense.



ORDERS

The Director issues the following ORDERS:

24. As authorized by ORS 59.245(4), the Director hereby ORDERS Howell to CEASE AND DESIST from violating ORS 59.315(1) and ORS 59.245(2).

25. As authorized by ORS 59.045(2), the Director DENIES Howell, and any business entity owned, operated or controlled by Howell, the use of any exemptions that would otherwise be available under ORS 59.025 and ORS 59.035, concerning securities and transactions exempt from the registration requirements of the Oregon Securities Law.

26. Howell is permanently BARRED from all of the following financial services business activities in Oregon:

A. applying for, holding, or renewing any investment adviser, investment adviser representative, broker-dealer or securities salesperson license in the State of Oregon;

B. applying to register or renew any securities in the State of Oregon;

C. applying for, holding, or renewing any insurance producer license in the State of Oregon; and

D. applying for, holding, or renewing any license or registration required by the Director in Oregon, including but not limited to insurance, consumer finance, collection agency, manufactured structure dealer, or mortgage lending in the state of Oregon.

27. As authorized by ORS 59.995(1), the Director ASSESSES CIVIL PENALTIES of \$5,000 against Howell for failing to appear and give testimony, or provide any substantive response to the Division Investigator's subpoena, in violation of ORS 59.315(1) and ORS 59.245(2).

28. The Director SUSPENDS \$2,000 of the civil penalties assessed against Howell in paragraph 27 above, for a period of three years, provided that Howell does not violate any term of this Order, or any provision of the Oregon Securities Law within the three-year time period.



29. The remaining CIVIL PENALTIES of \$3,000 assessed herein are due and payable to the Department of Consumer and Business Services at the time this Order is returned to the Division.

30. The Director reserves the right to immediately take enforcement action, pursuant to the procedures set forth in ORS 183.745, to impose the suspended CIVIL PENALTIES if Respondent violates any term of this Order.

31. If Respondent complies with all terms of this Order, and does not violate any provision of the Oregon Securities Law, the Director will WAIVE the suspended portion (\$2,000) of the civil penalties assessed herein after three years from the effective date of this Order.

32. 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 21st day of April, 2022.

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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1 CONSENT TO ENTRY OF ORDER BY DIA D. HOWELL

2 I, Dia D. Howell state that I have read the foregoing Order and that I know and fully
3 understand the contents hereof; that I have been advised of my right to a hearing, that I have
4 been represented by counsel in this matter; that without admitting or denying the factual
5 allegations state herein, I voluntarily consent to the entry of this Order without any force or
6 duress, expressly waiving any right to a hearing in this matter, as well as any rights to
7 administrative or judicial review of this Order; that I understand that the Director reserves the
8 right to take further actions against me to enforce this Order or to take appropriate action upon
9 discovery of other violations of the Oregon Securities Law by me; and that I will fully comply
10 with the terms and conditions stated herein.

11 I understand that this Order is a public document.

12
13 /s/ Dia D. Howell
Dia D. Howell

14 State of: Idaho

15 County of: Kootenai

16 Signed or attested before me on this 8th day of April, 2022.

17 by Dia D. Howell.

18
19
20 /s/ Christina L Sturgill
21 Notary Public

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