



FINANCIAL ENFORCEMENT OFFICER

1547

CLASS CONCEPT

The Financial Enforcement Officer performs professional legal work in the law and practices of the financial services industry in the Division of Finance and Corporate Securities (DFCS). DFCS regulates and enforces Oregon and federal law involving securities, commodities, franchises, mortgage lending, consumer finance, pawnbrokers and other non-depository and financial institution programs.

The Financial Enforcement Officer represents DFCS in administrative hearings, and civil and criminal cases; and reviews, analyzes, and evaluates evidence alleging violations of statutes, rules and laws relating to securities, commodities, franchises, mortgage lending, consumer finance, pawnbrokers and other non-depository and financial institution programs regulated by DFCS.

Represent the State and DFCS as a Special Assistant Attorney General (SAAG) in administrative hearings and civil cases; work in cooperation with, assist, or act as a specially appointed district attorney or special prosecutor in criminal cases; and represent the federal government and DFCS as a special United States Assistant Attorney General in federal proceedings.

Evaluate, prepare, and develop cases for administrative actions and hearings, civil suits filed by DFCS or other governmental agencies, and criminal actions filed by district attorneys or law enforcement agencies. Plan and direct investigations; design and conduct in-depth legal and technical research and analysis utilizing state and federal statutes, case law, attorney general opinions, and agency rules and regulations. Plan case presentations; obtain, review, and analyze evidence gathered during investigations; interview and prepare witnesses; issue subpoenas; prepare legal briefs; interpret and apply legal theories; apply complete analysis to the facts to determine sufficiency of evidence to support alleged violations; outline legal strategies. Direct or assist in presentation of cases at hearing or trial, present facts and argument, examine and cross-examine witnesses, prepare written responses and opening and closing statements. Direct or assist in the preparation of appeals to higher courts when necessary.

Draft final administrative orders summarizing case history, facts, findings of facts, conclusions of law, and proposed legal action and present to the Director of the Department of Business and Consumer Services (DCBS).

Develop, recommend, and negotiate settlements of administrative and civil cases and appropriate criminal plea bargains with the parties or their attorneys/representatives on behalf of DFCS. Initiate and monitor collection of costs and civil penalties. Ensure that final administrative actions and case dispositions are appropriately reported to national and state databases.

Respond to telephone and written inquiries from the public, attorneys and government agencies concerning all aspects of securities, commodities, franchise, mortgage lending and non-depository programs, federal and state law and administrative rules, including appropriate referrals to other state and federal agencies.

Provide developed expertise in specific DFCS financial and securities enforcement areas to staff, public, national organizations and governmental agencies, present information to public through speaking engagements, design and present training programs to staff. Testify as an expert witness or as to factual information, attend hearings and trials, develop and write administrative rules and legislative concepts.

DISTINGUISHING FEATURES

This is a single classification not currently part of a series of classes.

MINIMUM QUALIFICATIONS & SKILLS

Graduation from an accredited law school and membership in the Oregon State Bar, or the ability to obtain membership in the Oregon State Bar within six months; **AND**

Two years of experience, to include the skills listed below, as a deputy or prosecuting attorney, an assistant attorney general, or in public or private practice involving regulatory, consumer finance law, consumer protection law, securities, corporate law or trial procedures.

SKILL TO:

Interpret and apply legal theories, decisions, laws, rules, regulations, policies and procedures.

Understand and apply case and statutory law relating to investments and the financial services industry.

Perform legal analysis and interpretation, draft opinions, legal pleadings, interpretive letters, agreements, memoranda and briefs.

Conduct legal research using case law and appropriate techniques including computerized legal research.

Read, analyze, and interpret financial records, tax forms, property appraisals, or actuarial tables.

Develop investigative plans and implement or direct the implementation of the plans. Lead investigative teams and work cooperatively with a variety of individuals and organizations.

Make decisions on substantive and procedural issues. Analyze suitability of various available remedies for a particular case, select an appropriate form of action or combination of actions (administrative, civil, or criminal) and draft effective remedy provisions and negotiate settlement agreements with experienced attorneys and parties.

Effectively apply factors to be considered in determining whether to refer a case to federal prosecutors.

Perform legislative drafting including the drafting of rules.

Carry a large caseload and maintain progress on a number of matters simultaneously.

Conduct and direct investigations of complex investment fraud and registration violations.

Conduct effective interviews with witnesses and targets of enforcement.

Manage litigation involving a substantial volume of documentary evidence, select or develop methods of case management, and litigation support.

Provide consultation and/or expert advice or testimony.

Prepare clear and concise written reports.

Deal with angry people who are the subject of administrative, civil, or criminal investigations and facing civil or criminal sanction.

DISTINGUISHING FEATURE FROM OTHER CLASSES OR SIMILAR SERIES

The Administrative Law Judge 1, 2 and 3 class series differs from the Financial Enforcement Officer because the Administrative Law Judge 1, 2 and 3 preside over and conduct administrative hearings regarding disputes involving state agencies and render written orders setting forth findings of fact and conclusions of law. Employees in the Administrative Law Judge class series deal only with the

Administrative Procedures Act (APA), while those in the Financial Enforcement Officer class deal with civil and criminal codes, in addition to the APA, with the attendant differences in evidentiary standards and forum procedures.

The Compliance Specialist 1, 2 and 3 class series differs from the Financial Enforcement Officer because the Compliance Specialist 1, 2 and 3 effect compliance of individuals or organizations with state and federal laws, rules and regulations or other mandatory guidelines. Compliance Specialists do inspection, investigative, analytical or advisory work to assure understanding of and compliance with such mandates. Compliance may be obtained by persuasion, negotiation and technical assistance or by issuing citations, filing complaints or referring cases for administrative or legal proceedings.

Adopted 10/2007
Revised

STATE OF OREGON
Dept. of Administrative Services
Human Resource Services Division