

STATE OF OREGON
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
INSURANCE DIVISION

In the Matter of **Michael J. Evinger.**

) **FINAL ORDER**

) Case No. INS 00-01-015

The Director of the Department of Consumer and Business Services (Director) issues this final order in the above entitled administrative matter pursuant to Oregon Revised Statutes (ORS) 731.256 and in accordance with ORS 731.248, 183.415(6) and 183.470.

On February 16, 2000, the Director issued and mailed a Notice of Proposed Action (Notice) to Michael J. Evinger (Evinger) pursuant to ORS 183.415. The Notice informed Evinger that the Director proposed to take certain administrative action against Evinger and that Evinger could request a hearing. The Director did not receive a request for a hearing.

Therefore, the Director makes the following final decision.

Findings of Fact

Licensing

Evinger has been licensed in Oregon as a resident individual insurance agent from July 23, 1996 to April 30, 1998 and since May 21, 1998. Evinger's license is scheduled to expire April 30, 2000. Evinger's license number is 603471. Evinger resides at 106 Alderbrook Lane, Chehalis, WA 98532.

Failure to Pay Civil Penalty

On December 23, 1998, the Director issued a Final Order, Case Number INS 98-06-006, assessing Evinger a civil penalty of \$1,000. On March 4, 1999, the civil penalty was due by operation of law pursuant to ORS 183.090(6). On March 11, 1999, the Director received from Evinger a letter dated March 8, 1999 in which Evinger said that he would pay the civil penalty shortly after April 10, 1999 when he received his income tax refund.

The Director has not received any payment.

The civil penalty plus accrued interest is \$1,061.15.

Ultimate Findings of Fact

Evinger failed to pay a civil penalty assessed by the Director that had become final by operation of law or upon appeal.

Conclusions of Law

Evinger violated ORS 744.013(2)(i).

Order

The insurance agent license issued to Evinger shall be suspended from the date of this order to the 90th day thereafter pursuant to ORS 744.013(1)(a). If the Director does not receive by the 90th day after the date of this order payment of the civil penalty plus then accrued interest, the license shall be revoked on the 91st day after the date of this order, pursuant to ORS 744.013(1)(a), without further notice or action by the Director.

Notice of Judicial Review

Evinger may request the Oregon Court of Appeals to review this order by filing a written petition for judicial review with the Court within 60 calendar days following the date this order is personally delivered or mailed to Evinger, pursuant to ORS 183.480 and 183.482.

Dated April 3, 2000.

/s/ Mary C. Neidig
Mary C. Neidig
Acting Director
Department of Consumer and Business Services