

STATE OF OREGON
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
INSURANCE DIVISION

In the Matter of **Mauro A. Pinzon.**

) **FINAL ORDER**

) Case No. INS 00-04-012

The Director of the Oregon Department of Consumer and Business Services (Director) commenced the above entitled administrative proceeding pursuant to Oregon Revised Statutes (ORS) 731.256 to take certain disciplinary action against Mauro A. Pinzon (Pinzon) for violating certain provisions of the Oregon Insurance Code.

On April 27, 2000, the Director issued a Notice of Proposed Action (Notice) pursuant to ORS 183.415 proposing to revoke Pinzon's Oregon insurance agent license pursuant to ORS 744.013(1)(a) and assess him a civil penalty of \$2,000 pursuant to ORS 731.988(1) for allegedly violating ORS 744.013(2)(g) in two instances as specifically described therein. The Notice also informed Pinzon that he had a right to a hearing and to be represented by an attorney at the hearing.

On May 18, 2000, the Director received from Pinzon a request for a hearing which the Director subsequently forwarded to the Hearing Officer Panel.

On June 29, 2000, HOP scheduled a hearing to be held on August 29, 2000.

On July 25, 2000, HOP rescheduled the hearing to be held on September 21, 2000.

On September 21, 2000, the hearing was held as scheduled. The hearing was conducted by Ella D. Johnson, a hearing officer with the Hearing Officer Panel of the Employment Department. The Director, by and through the Insurance Division of the Department of Consumer and Business Affairs, was represented by Kathleen Dahlin, Assistant Attorney General. Pinzon was not present or represented by an attorney at the hearing.

During the hearing, the Insurance Division presented a *prima facie* case through the testimony of witnesses and by offering as evidence exhibits marked 1-14. The Insurance Division's exhibits were admitted without objection.

On September 28, 2000, the Hearing Officer issued a Proposed Order pursuant to ORS 183.460. The Proposed Order found that Pinzon committed all of the violations that were alleged in the Notice and recommended that the Director revoke Pinzon's Oregon insurance agent license and pay a civil penalty of \$2,000. The Proposed Order informed Pinzon that he could file with the Director written exceptions to the Proposed Order pursuant to ORS 183.460. The Proposed Order was mailed by certified and first class mail to Pinzon on September 28, 2000 and received by him on September 29, 2000.

The Director did not receive from Pinzon any written exceptions to the Proposed Order.

The Director now makes the following final administrative decision in this proceeding in accordance with ORS 731.248, 183.450 and 183.470 and related administrative rules.

Findings of Fact, Conclusions of Law and Opinion

The Director adopts, and incorporates herein by this reference, the facts, conclusions and reasoning of the Proposed Order dated September 28, 2000 as the facts, conclusions and reasoning of this Final Order.

Order

The Oregon insurance agent license issued to Pinzon shall be revoked on November 20, 2000 pursuant to ORS 744.013(1)(a). Pinzon shall not transact insurance in Oregon, including servicing clients, on and after that date.

Pinzon shall pay to the Director a civil penalty of \$2,000 pursuant to ORS 731.988. Pinzon shall pay the civil penalty on or before the 71st calendar day after the date of this order pursuant to ORS 183.090(2). Payment shall be made in the form of a check payable to the "Department of Consumer and Business Services" for the full amount due.

Notice of Judicial Review

Pursuant to ORS 183.480 and 183.482, Pinzon 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 Pinzon.

Dated November 15, 2000.

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

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