

**STATE OF OREGON  
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES  
INSURANCE DIVISION**

In the Matter of **Michael P. Giannetti**.

) **FINAL ORDER**  
) Case No. INS 01-05-016

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 disciplinary action against Michael P. Giannetti (Giannetti).

On June 4, 2001, the director issued a Notice of Proposed Action (Notice) pursuant to ORS 183.415 and Oregon Administrative Rules (OAR) 137-003-0505, proposing to order Giannetti to cease and desist from transacting insurance in Oregon, pursuant to ORS 731.252, and to assess Giannetti a civil penalty of \$6,000, pursuant to ORS 731.988(1), for allegedly violating ORS 744.051(1)(a) in six instances as specifically described therein. The Notice also informed Giannetti that he had a right to a hearing and to be represented by an attorney at the hearing.

On June 22, 2001, the Insurance Division received from John W. Osburn, an attorney representing Giannetti, a written request for a hearing.

On June 25, 2001, the director referred the case to the Hearing Officer Panel (HOP).<sup>1</sup>

On August 7, 2001, HOP issued a Notice of Hearing scheduling a hearing to be held on October 25, 2001.

On October 25, 2001, HOP conducted the hearing. The director, by and through the Insurance Division of the Department of Consumer and Business Services, was represented by Kathleen Dahlin, an Assistant Attorney General. Giannetti was not present at the hearing, and was not represented by an attorney at the hearing. The Insurance Division offered as evidence exhibits marked 1 to 28, which were admitted without objection.

On November 2, 2001, HOP issued a Proposed Order pursuant to ORS 183.460. The Proposed Order concluded that Giannetti committed all of the violations that were alleged in the Notice. The Proposed Order informed Giannetti that he could file with the director

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<sup>1</sup> Contested case hearings are scheduled and conducted, and proposed orders are issued, by the Hearing Officer Panel of the Employment Department as required by Section 9(1) and (3)(h), Chapter 849, Oregon Law 1999 and in accordance with the OAR 137-003-0501 to 137-003-0700.

written exceptions to the Proposed Order pursuant to ORS 183.460. The Proposed Order was mailed to Giannetti and his attorney on November 2, 2001.

The director did not receive from or on behalf of Giannetti any exceptions.

Therefore, the director makes the following final decision in this proceeding in accordance with ORS 731.248, 183.450 and 183.470 and related 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 November 2, 2001 issued in this matter as the facts, conclusions and reasoning of this Final Order.

**Order**

Giannetti shall immediately cease and desist from violating ORS 744.051(1)(a), pursuant to ORS 731.252, by transacting insurance in Oregon, including servicing clients, without being licensed in Oregon as an insurance agent.

Giannetti shall pay a civil penalty of \$6,000 pursuant to ORS 731.988. Payment shall be made in the form of a check payable to the "Department of Consumer and Business Services" for the full amount due. Payment shall be delivered or mailed to the Insurance Division at 350 Winter Street NE, Room 440, Salem, OR 97301-3883. Payment shall be received by the Insurance Division by 5:00 PM (PT) on the 71<sup>st</sup> calendar day after the date of this Final Order pursuant to ORS 183.090(2).

**Notice of Judicial Review**

Pursuant to ORS 183.480 and 183.482, Giannetti may request the Oregon Court of Appeals to review this Final Order by filing a written petition for judicial review with the court within 60 calendar days following the date this Final Order is personally delivered or mailed to Giannetti, whichever occurs first.

Dated December 19, 2001.

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

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