

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

In the Matter of **Liliana Murphy**.

) **FINAL ORDER**

) Case No. INS 01-07-006

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 Liliana Murphy (Murphy).

On July 17, 2001, the Director issued a Notice of Proposed Action (Notice) pursuant to ORS 183.415 proposing to revoke Murphy's Oregon insurance agent license pursuant to ORS 744.013(1)(a) for allegedly violating various laws as specified therein. The Notice also informed Murphy that she had a right to a hearing and to be represented by an attorney at the hearing. The Notice also informed Murphy that if the Director issued a Final Order by default, then the Director designated a specified portion of the Insurance Division's file of this matter as part of the record for the purpose of proving a prima facie case upon default.

The Director did not receive from or on behalf of Murphy any request for a hearing.

The Director did not hold a hearing. However, the Director reviewed and considered the entire record in this matter, and found that the specified portion of the Insurance Division's file of this matter proved a prima facie case of the alleged violations.

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

Findings of Fact and Conclusions of Law

Licensing

According the Insurance Division's records, Murphy has been licensed in Oregon as a nonresident individual agent since 10/19/98. Murphy's license number is

146866. Murphy's residence address is 9106 Oak Downs, San Antonio TX 78230-5226 and telephone number is 210-341-6558; and her business address is West Telemarketing Insurance Agency, 10931 Laureate Drive, Building #5000, San Antonio TX 78249 and telephone number is 210-690-6900. Murphy has also been known as Liliana M. Murphy, Liliana M. Martinez, and Liliana Martinez-Murphy.

Filing License Application Containing False Information

Murphy violated ORS 731.260 by engaging in the following conduct. On 9/24/98, Murphy applied for an Oregon non-resident individual insurance agent license. Murphy answered "No" to question 17 on the application which asked "Have you ever been indicted for, or convicted of, any misdemeanor or felony?" However, Murphy had been indicted for and pled guilty on 3/28/89, in the case of *United States v. Martinez*, Case Number Sa-88-CR261, United States District Court for the Western District of Texas, to violating 18 U.S.C. § 1029(a)(2), a felony, by knowingly, with the intent to defraud, and without authorization, using long distance access codes to make long distance telephone calls with an aggregate value of over \$1,000 from on or about 1/1/86 to 12/31/86.

Disciplinary Action by Other State Insurance Regulatory Agencies

Murphy is subject to action pursuant to ORS 744.013(2)(L) because the following state insurance regulatory agencies have taken disciplinary action against the insurance agent licenses issued by such states to Murphy.

The Maine Insurance Bureau issued a letter dated 4/23/99 refusing to issue to Murphy a non-resident insurance agent license.

The Oklahoma Insurance Commission issued a Final Administrative Order, Case Number 00-0807-DIS, dated 9/14/00, revoking the non-resident insurance agent license issued to Murphy.

Order

The Oregon insurance agent license issued to Murphy shall be revoked on the date of this order pursuant to ORS 744.013(1)(a). Murphy shall not transact insurance in Oregon, including servicing clients, on and after that date.

Notice of Judicial Review

Pursuant to ORS 183.480 and 183.482, Murphy 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 Murphy, whichever occurs first.

Dated September 4, 2001

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