

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

In the Matter of **Rosa Reyes.**

) **FINAL ORDER**  
) Case No. INS 01-06-045

The Director of the Oregon Department of Consumer and Business Services (director), by and through the Insurance Division, commenced the above entitled administrative proceeding pursuant to Oregon Revised Statutes (ORS) 731.256 to take disciplinary action against Rosa Reyes (Reyes).

On June 18, 2001, the director issued a Notice of Proposed Action (Notice), pursuant to ORS 183.415 and Oregon Administrative Rules (OAR) 137-003-505, proposing to assess Reyes a civil penalty of \$3,000 pursuant to ORS 731.988(1) for allegedly violating ORS 744.051(1) and 746.100 as specifically described therein. The Notice also informed Reyes that Reyes had a right to a hearing and to be represented by an attorney at the hearing.

On July 9, 2001, the Insurance Division received from Reyes a written request for a hearing. The director received the request within the time period specified in the Notice pursuant to OAR 137-003-505(1)(f).

On July 10, 2001, the director referred the case to the Hearing Officer Panel (HOP).<sup>1</sup>

On July 18, 2001, HOP issued a Notice of Hearing scheduling a hearing to be held on October 2 and 3, 2001.

On August 28, 2001, HOP issued an amended Notice of Hearing scheduling a hearing to be held on October 2, 3, and 4, 2001.

On September 28, 2001, the director received a recorded telephone message from a Carla M. French (French), an attorney, saying that she represented Reyes.

---

<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.

On October 2, 2001, HOP conducted a hearing. The director was represented by Kathleen Dahlin, an Assistant Attorney General. At the hearing, the director amended the Notice by deleting the phrase "copies of the application and receipt, and" from the first full sentence on the second page of the Notice, and by deleting the allegation that Reyes violated ORS 746.100. The director offered as evidence exhibits marked 1 to 43. The director's exhibits were admitted without objection. The director also called several witnesses to testify. Reyes was not present or represented by an attorney at the hearing.<sup>2</sup>

On November 20, 2001, HOP issued a Proposed Order pursuant to ORS 183.460. The Proposed Order concluded that Reyes committed all of the violations that were alleged in the Notice, as amended at the hearing. The Proposed Order informed Reyes that Reyes could file with the director written exceptions to the Proposed Order pursuant to ORS 183.460. The Proposed Order was mailed on November 20, 2001 to Reyes and French. The Proposed Order was received on November 21, 2001 by Yolanda Rocha on behalf of Reyes, and by S. Harp on behalf of French.

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

Therefore, the director makes the following final decision in this proceeding in accordance with ORS 731.248 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 20, 2001 issued in this matter as the facts, conclusions and reasoning of this Final Order.

### **Order**

Reyes shall pay a civil penalty of \$3,000 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.

---

<sup>2</sup> Prior to the hearing, French informed the director that Reyes and French would not attend the hearing.

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, Reyes 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 Reyes, whichever occurs first.

Dated January 4, 2002.

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

//  
//  
//