

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

In the Matter of **Walter L. Ellis** and ) **FINAL ORDER**  
**Able Truck Insurance Agency, Inc.** ) Case No. INS 01-07-004

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 Walter L. Ellis (Ellis) and Able Truck Insurance Agency, Inc. (ATIA) (also referred to collectively as the parties).

On July 17, 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 revoke the parties' Oregon insurance agent licenses pursuant to ORS 744.013(1)(a) for allegedly being subject to ORS 744.013(2)(L) as specifically described therein. The Notice also informed the parties that they had a right to a hearing and to be represented by an attorney at the hearing. The Notice also informed the parties that if the director issued a Final Order by default, then the director designated a portion of the Insurance Division's investigation file of this proceeding as part of the record for the purpose of proving a prima facie case upon default.

On July 24, 2001, the director received from or on behalf of the parties a written request for a hearing. The director received the request within the time period specified in the Notice pursuant to OAR 137-003-0505(1)(f).

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

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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.

On October 17, 2001, HOP issued a Notice of Hearing scheduling a hearing to be held on November 19, 2001.

On November 9, 2001, HOP received a letter dated November 7, 2001 from a law firm called Ferder, Casebeer & French, LLP. The letter informed HOP that the parties would not attend the hearing. The letter did not expressly indicate whether the law firm was representing the parties or would attend the hearing on behalf of the parties. However, the letter did expressly indicate that the director could cancel the hearing and proceed to revoke the parties' licenses. The director determined that the designated portion of the Insurance Division's investigation file in this matter proved a prima facie case and no hearing was necessary. Consequently, the director did not hold any hearing in this matter.

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**

On December 22, 2000, the Washington Insurance Commissioner issued an order, number D 2000-124, refusing to renew the Washington nonresident individual insurance agent license issued to Ellis, and an order, number D 2000-125, revoking the Washington nonresident firm or corporate insurance agent license issued to ATIA.

#### **Ultimate Findings of Fact**

Another state refused to renew an insurance agent license issued by that state to Ellis, and revoked a insurance agent license issued by that state to ATIA.

#### **Conclusions of Law**

Ellis and ATIA are each subject to disciplinary action by the director pursuant to ORS 744.013(2)(L).

#### **Order**

The Oregon insurance agent licenses issued to Ellis and ATIA shall be revoked on the date of this Final Order pursuant to ORS 744.013(1)(a). Ellis and ATIA 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, Ellis 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 Ellis, whichever occurs first.

Dated January 4, 2002.

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

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