

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

In the Matter of **Randall P. Ewing Sr.**

) **FINAL ORDER**  
) Case No. INS 02-04-017

The Director of the Oregon Department of Consumer and Business Services (director) commenced this administrative proceeding, pursuant to Oregon Revised Statutes (ORS) 731.256, to take disciplinary action against Randall P. Ewing Sr. (Ewing).

On 5/14/02, the director issued a Notice of Proposed Action (Notice), pursuant to ORS 183.415 and related rules, informing Ewing that the director proposed to revoke Ewing's Oregon insurance agent license pursuant to ORS 744.013(1)(a) (1999). The Notice also informed Ewing that he had a right to a hearing and to be represented by an attorney at the hearing. The Notice further informed Ewing that if the director did not timely receive a request for a hearing, then the designated portion of the Insurance Division's investigation file on Ewing would automatically become part of the contested case record, and the director would issue a final order taking the proposed action.

The director did not receive from or on behalf of Ewing any request for a hearing, but determined that the record of the proceeding proved a prima facie case, and therefore did not hold any hearing.

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 and Conclusions of Law**

Licensing

Ewing has been licensed in Oregon as a nonresident insurance agent since 3/30/01. Ewing's current license number is 166861. Ewing's last recorded residence and, actual business, address is 9545 Cross Creek Drive NE, Greenville, IN 47124-7840, and telephone number is 812-364-6332. Ewing's last recorded business address is Personal Communications, 6160 Peachtree Dunwoody Road, B-205, Atlanta, GA 30328, and telephone number is 770-379-0286.

### Conviction of Misdemeanor

Ewing is subject to disciplinary action pursuant to ORS 744.013(2)(e) (1999) because he was convicted on 10/4/71 by the Circuit Court (Criminal Division) of the County of Jefferson in the Commonwealth of Kentucky, in the criminal case *The Commonwealth of Kentucky v. Randall Paul Ewing*, case number 144664, of the following crimes.

Ewing was convicted of the crime of uttering a forged instrument in writing, pursuant to Kentucky Revised Statutes (KRS) 434.130. Ewing committed this crime by engaging in the following conduct. On or about 10/21/70, in Jefferson County, Kentucky, Ewing gave Kirk Williams, of Gateway Super Market, a check in the amount of \$42.75 bearing the forged signature of J. W. Deaver. Such crime, if committed in Oregon, would be a violation of ORS 165.007(1)(b), which is a misdemeanor.

Ewing was convicted of the crime of uttering a forged instrument in writing, pursuant to KRS 434.130. Ewing committed this crime by engaging in the following conduct. On or about 12/3/70, in Jefferson County, Kentucky, Ewing gave Art Atkinson, of Radio Shack a check in the amount of \$66.05 bearing the forged signature of Betty Douglas. Such crime, if committed in Oregon, would be a violation of ORS 165.007(1)(b), which is a misdemeanor.

Ewing was convicted of the crime of obtaining goods under false pretenses, pursuant to KRS 434.050.. Ewing committed this crime by engaging in the following conduct. Between 9/1/70 and 9/17/70, in Jefferson County, Kentucky, Ewing falsely pretended to several attendants at Texaco service stations by using a credit card that Ewing was J.W. Deaver, and thereby obtained goods in the amount of \$195.83. Such crime, if committed in Oregon, would be a violation of ORS 165.055(1)(c), which is a misdemeanor.

The above crimes are misdemeanors involving moral turpitude because they require the elements of intent, dishonesty, and harm to a specific person. See *In re Chase*, 299 Or 391, 402, 702 P2d 1082 (1985).

### Filing License Application Containing False Information

Ewing violated ORS 731.260 by failing to disclose on an application for an Oregon nonresident insurance agent license, dated 2/27/01, that Ewing had been convicted of the above described crimes.

### Disciplinary Action Taken by Other States

Ewing is subject to disciplinary action pursuant to ORS 744.013(2)(L) (1999) because the Washington Insurance Commissioner issued an order, number D01-83, dated 7/31/01, revoking Ewing's nonresident insurance agent license in that state on 8/20/01. Washington took the action because it concluded that Ewing had demonstrated that he was untrustworthy, and a source of injury and loss to the public, by (1) falsely stating on an insurance agent license application that no complaints had been filed against Ewing when Indiana had issued a Statement of Charges, under an order, number 4903-AG96-052, alleging that Ewing had received 33 insurance premium payments but failed to send such payments to the respective insurer, and Ewing admitted to the charges on 11/4/96; (2) failing to disclose on an insurance agent license application that Ewing had been convicted in 1972 of the felony crime of forgery; and (3) failing to respond to three inquiries from Washington dated 5/8/01, 6/1/01 and 6/21/01.

### **Order**

Pursuant to ORS 744.013(1) (1999), the Oregon insurance agent license issued to Ewing shall be revoked on the date of this order.

### **Notice of Judicial Review**

Pursuant to ORS 183.480 and 183.482, Ewing 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 after the date this order was sent to Ewing.

Dated June 27, 2002

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