

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

In the Matter of **Scott J. Rom.**

) **FINAL ORDER**

) Case No. INS 02-09-003

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 Scott J. Rom (Rom).

On 9/11/02, the director issued a Notice of Proposed Action, pursuant to ORS 183.415 and related rules. The notice informed Rom that the director proposed to take certain disciplinary action against Rom, that Rom was entitled to a hearing, that Rom had to request a hearing in writing within 21 days if he wanted a hearing, and that the designated portion of the Insurance Division's investigation file on Rom would automatically become part of the contested case record for the purpose of proving a prima facie case if Rom did not timely request a hearing.

On 10/1/02, the director received from Rom a letter dated 9/29/02 saying that Rom did not want a hearing but was voluntarily surrendering his license.

The director has reviewed the designated portion of the Insurance Division's investigation file on Rom and determined that it proves a prima facie case.

Therefore, director now 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

Rom has been licensed in Oregon as a resident insurance agent since 1/8/01. Rom's current license number is 164799.

Using a Dishonest Practice in the Conduct of Business

Rom violated ORS 744.074(2)(h) by engaging in the following conduct. On or about 4/15/02, Rom faxed or caused to be faxed to Farmers Insurance Group of insurance companies, an Examination Score Report (report). The report

represented that on 3/22/02 Rom had taken an examination for a life and health insurance agent license, administered by Experior Assessments, LLC (Experior), and that Rom had passed the examination with a score of 76 percent. This representation was false and Rom knew that it was false because Rom did not take the examination, and Experior did not issue the report.

Failing to Respond to Director's Inquiry

Rom violated ORS 731.296 by engaging in the following conduct. On 4/15/02, the Insurance Division mailed by regular mail a letter to Rom at his last recorded business address requesting certain information by 5/13/02. On 4/23/02, Rom sent an e-mail to the Insurance Division saying, *inter alia*, that he received the letter on 4/22/02. On 5/14/02, the Insurance Division mailed by certified mail another letter to Rom to the same address informing Rom that the Insurance Division had not received the information requested, and again requested the information by 5/31/02. As of 8/8/02, the Insurance Division had not received from Rom the requested information.

Order

Pursuant to ORS 744.074(1), the Oregon license as an insurance agent issued to Rom shall be revoked on the date of this order.

Notice of Judicial Review

Pursuant to ORS 183.480 and 183.482, Rom 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 Rom.

Dated October 14, 2002

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

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