

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

In the Matter of **Jessica M. Beatty**.

) **FINAL ORDER**
) Case No. INS 02-10-020

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 enforcement action against Jessica M. Beatty (Beatty).

On January 15, 2003, the director issued a Notice of Proposed Action, pursuant to ORS 183.415 and related rules. The notice informed Beatty that the director proposed to take certain enforcement action against Beatty, that Beatty was entitled to a hearing, and that Beatty had to request a hearing in writing within 21 days if Beatty wanted a hearing. The notice also informed Beatty that the record of the proceeding then to date, including the designated portion of the Insurance Division's file on Beatty, would automatically become part of the contested case record for purposes of proving a prima facie case if Beatty did not request a hearing within the time allowed to make the request.

The director did not receive a request for a hearing.

The director reviewed the designated portion of the Insurance Division's investigation file on Beatty and found 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

Beatty has been licensed in Oregon as a nonresident insurance agent since 7/25/01. Beatty's current license number is 168874. Beatty's last recorded residence address was in Marion, Iowa.

Convicted of a Crime

Beatty is subject to disciplinary action pursuant to ORS 744.013(2)(e) (1999) because of the following circumstances. On 8/2/01 Beatty was convicted by the Iowa District Court for Linn County, in the criminal case entitled *State of Iowa v. Jessica Marie Beatty*, case number FECR040957-0501, of one count of the crime of theft in the second degree, pursuant to the Iowa Code §§ 714.1(6) and 714.2(2). Beatty committed the above crime by “between March 29, 2000, and May 5, 2000, in Linn County [in the] State of Iowa, issuing insufficient funds checks on her Firststar Bank account totaling in excess of \$1,000.” Such crime, if committed in Oregon, would be either the crime of theft by deception, a felony due to the amount involved, pursuant to ORS 164.055 and 164.085; or the crime of negotiating a bad check, a misdemeanor, pursuant to ORS 164.055. The crime of negotiating a bad check is a misdemeanor involving moral turpitude because it requires intent and involves dishonesty as well as harm to a specific person. See *In re Chase*, 299 Or 391, 402, 702 P2d 1082 (1985)(a crime involving moral turpitude requires the elements of intent; fraud, deceit or dishonesty; and harm to a specific person); *In re Carstens*, 297 Or 155, 163 (1984)(theft is a misdemeanor involving moral turpitude).

Made False Statement on License Application

Beatty violated ORS 744.013(2)(b) (1999) because of the following circumstances. On 7/3/01, the Insurance Division received from Beatty an application dated 6/7/01 for a Oregon nonresident insurance agent license. Beatty answered “No” to question 15 which asked “Are you currently under indictment for, or have you been convicted of, any misdemeanor or felony?” Beatty’s answer was false and she knew that it was false because on 5/18/01, Beatty had been indicted for the crime described above; and on 5/27/01, Beatty waived her right to appear before a magistrate without delay.

Enforcement Action Taken by Other State(s)

Beatty is subject to disciplinary action pursuant to ORS 744.013(2)(L) (1999) because of the following circumstances. On 10/5/01, the Insurance Commissioner of the State of Washington issued an order, number D01-98, revoking Beatty’s

Washington nonresident insurance agent license effective on 10/25/01. The Insurance Commissioner took the action because Beatty falsely stated on her application for a Washington nonresident insurance agent license that she had not been convicted of a crime when she had been convicted of the above described crime.

Enforcement Action Taken by Other State(s)

Beatty is subject to disciplinary action pursuant to ORS 744.074(1)(i) because of the following circumstances. On 1/22/02, the Insurance Commissioner of the State of Kentucky issued an order, unnumbered, revoking Beatty's Kentucky nonresident insurance agent license effective on 1/22/02. The Insurance Commissioner took the action because Washington revoked Beatty's Washington nonresident insurance agent license effective 10/25/01.

Not Licensed in Resident State

Beatty is subject to disciplinary action pursuant to ORS 744.063 because of the following circumstances. Beatty is a resident of Iowa. Beatty's Iowa resident insurance agent license expired on 3/31/02. Thus, Beatty is no longer eligible to be licensed in Oregon as a nonresident insurance agent.

Order

Pursuant to ORS 744.013(1) (1999) and 744.074(1), the Oregon license as an insurance agent issued to Beatty shall be revoked on the date of this order.

Notice of Judicial Review

Pursuant to ORS 183.480 and 183.482, Beatty 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 Beatty.

Dated May 6, 2003

/s/ Cory Streisinger
Cory Streisinger
Director
Department of Consumer and Business Services