

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

In the Matter of **Michael H. Dwyer.**

) **STIPULATION** and
) **FINAL ORDER**
) Case No. INS 03-10-002

STIPULATION

The Director of the Department of Consumer and Business Services (director) commenced this administrative proceeding, pursuant to Oregon Revised Statutes (ORS) 731.256, to take enforcement action against Michael H. Dwyer (Dwyer).

Dwyer enters into this Stipulation, pursuant to ORS 183.415(5), to conclude this proceeding without further administrative or judicial proceedings.

Dwyer waives the right to receive a notice of proposed action, receive a notice of the rights of a party and procedures in contested cases, have a hearing, be represented by an attorney at the hearing, receive a proposed order, file exceptions to the proposed order, and have the Final Order judicially reviewed.

Dwyer stipulates to the following facts, conclusions, and action; and consents to issuance of a Final Order incorporating this Stipulation.

Facts and Conclusions

Licensing Information

Dwyer has been licensed in Oregon as a nonresident insurance agent since 4/6/95. Dwyer's current license number is 130961. Dwyer's last recorded residence address is located in San Mateo, California.

Failed to Report Enforcement Action by Other State Insurance Regulator

Dwyer violated ORS 744.089(1) in one instance by engaging in the following conduct. ORS 744.089(1) requires a person licensed in Oregon as an insurance agent to notify the Insurance Division of any administrative action taken against the person, and provide a copy of the order, within 30 days of the final disposition of the action. On 10/2/02, the Insurance Commissioner of the State of California issued an order, number LBB 0672-AP, assessing Dwyer a civil penalty of \$500. The

Insurance Commissioner took the action because Dwyer failed to disclose on his California resident insurance agent license application that Florida had taken administrative action against Dwyer in 1988. Dwyer name was required to notify the Insurance Division of the action, and provide a copy of the order, by 11/2/02. On 3/13/03, the Insurance Division received from Dwyer a letter dated 3/7/03 notifying the Insurance Division of the action and providing a copy of the order.

Action

Pursuant to ORS 731.988, Dwyer is assessed a civil penalty of \$200. The payment shall be made in the form of a check payable to the "Department of Consumer and Business Services" for the full amount due. The payment shall be delivered to the Insurance Division at 350 Winter Street NE, Room 440, Salem, OR 97301-3883, or mailed to the Insurance Division at PO Box 14480, Salem, OR 97309-0405. The payment shall be received by the Insurance Division by the date of the Final Order.

Dated November 7, 2003

/s/ Michael H. Dwyer
Michael H. Dwyer

FINAL ORDER

The director incorporates herein the above Stipulation, adopts it as the director's final decision in this proceeding, and orders that the action stated therein be taken.

Dated December 18, 2003

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

//
//
//