

STATE OF OREGON
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
INSURANCE DIVISION

In the Matter of **Randal T. Combs.**) **FINAL ORDER**
) Case No. INS 03-10-016

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 Randal T. Combs (Combs).

On 12/12/03, the director issued a notice of proposed action, pursuant to ORS 183.415 and related rules. The notice informed the party that the director proposed to take certain enforcement action against the party, the party was entitled to a hearing, and the party had to request a hearing in writing within 21 days if the party wanted a hearing. The notice also informed the party that the record of the proceeding then to date, including the designated portion of the Insurance Division's file on the party, would automatically become part of the contested case record for purposes of proving a prima facie case if the party 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 the party and found that it proves a prima facie case.

Therefore, the 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 Information

Combs has been licensed in Oregon as a nonresident insurance agent from 9/14/95 to 9/30/98 and since 11/02/98. Combs current license number is 131986. Combs last recorded residence address is located in Huntington Beach, California and last recorded business address is located in Orange, California.

Failed to Report Enforcement Action by Other State Insurance Regulator

Combs 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 10/1/02, the insurance regulator for the State of California issued an order, number LBB 0134-A, revoking Combs' California resident insurance agent license, and issuing him a restricted California resident insurance agent license subject to certain terms of probation. The insurance regulator took the action for two reasons. One reason was because on 2/24/00, Combs was convicted, based on a plea of guilty, by the Municipal Court of California West Orange County Judicial District, Orange County, criminal case number HB99WM06232, of one count of the crime of assault on a peace officer, a misdemeanor, pursuant to CPC §241, and two counts of the crime of disturbing the peace, a misdemeanor, pursuant to CPC §415(1). The other reason was because on 5/28/98 the insurance regulator for the State of Colorado refused to issue to Combs a Colorado nonresident insurance agent license because Combs failed to disclose on his application for the license that on 5/5/89 the insurance regulator for the State of California had assessed Combs a civil penalty of \$500 in lieu of suspending his California resident insurance agent license. Combs was required to notify the Insurance Division of the action, and provide a copy of the order, by 10/31/02 Combs has not notified the Insurance Division of the action or provided a copy of the order.

Failed to Respond to Director

Combs violated ORS 731.296 in one instance by engaging in the following conduct. On 6/20/03, the Insurance Division mailed by certified mail a letter to Combs at his last recorded business address of 832 Town & Country Road, Orange, CA 92868. The letter requested Combs to provide certain information to the Insurance Division by 7/21/03. On 6/25/03, a person named R. Romanoff at Combs' last recorded business address received the letter. The Insurance Division has not received any response from Combs.

Order

Pursuant to ORS 731.988, Combs is assessed a civil penalty of \$1,200. 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 or mailed to the Insurance Division at 350 Winter Street NE, Room 440, Salem, OR 97301-3883. The payment shall be received by the Insurance Division by 5:00 PM (PT) on the 71st calendar day after the date of this order pursuant to ORS 183.090(2).

Notice of Right to Judicial Review

The party has the right to appeal the order to the Oregon Court of Appeals pursuant to ORS 183.480 and 183.482. If a party wants to appeal the order, the party must file a petition for judicial review with the Court of Appeals within 60 days from the date this order was served on the party. If the order was personally delivered to a party, then the date of service is the day the party received the order. If the order was mailed to a party, then the date of service is the day the order was mailed to the party, not the day the party received the order. If a party does not file a petition for judicial review within the 60-day time period, then the party will lose the right to appeal this order. If a party appeals the order, the party should also send a copy of the petition to the Insurance Division by delivering it to the Labor and Industries Building, 350 Winter Street NE, Room 440 (4th Floor), Salem, Oregon; or mailing it to PO Box 14480, Salem, OR 97309-0405, or faxing it to 503-378-4351; or e-mailing it to mitchel.d.curzon@state.or.us.

Dated February 2, 2004

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

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