

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

In the Matter of **Joseph Lopez-Wilson.**) **FINAL ORDER**
) Case No. INS 03-10-036

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 Joseph Lopez-Wilson (Lopez-Wilson).

On 11/21/03, 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

Lopez-Wilson has been licensed in Oregon as a nonresident insurance agent since 8/27/02. Lopez-Wilson's current license number is 180873. Lopez-Wilson's last recorded residence address is located in Bellevue, Nebraska.

Enforcement Action by Other State Insurance Regulator

Lopez-Wilson is subject to enforcement action pursuant to ORS 744.074(1)(i) in two instances because of the following circumstances.

1. On 6/4/03, the insurance regulator for the State of Oklahoma issued a conditional order, number 03-0050-DIS, suspending Lopez-Wilson's Oklahoma nonresident insurance agent license from 6/4/03 to 9/30/03, and assessing him a civil penalty of \$500 due within 30 days of receipt of the conditional order, if Lopez-Wilson did not request a hearing by 7/4/03. The insurance regulator took the action because Lopez-Wilson failed to notify the insurance regulator that on 10/10/02 the insurance regulator for the State of Iowa had issued an order, number 02-0167, placing Lopez-Wilson's Iowa nonresident insurance agent license on probation from the date of licensure to 9/30/03. Lopez-Wilson did not request a hearing and did not pay the civil penalty. On 7/16/03, the insurance regulator issued a final order revoking Lopez-Wilson's license.

2. On 9/11/03, the insurance regulator for the State of Kansas issued a summary order, number 3205-SO, revoking Lopez-Wilson's Kansas nonresident insurance agent license. The insurance regulator took the action because seven other states had taken administrative action against Lopez-Wilson's licenses in those states, and Lopez-Wilson had failed to report such actions to Kansas. Lopez-Wilson did not request a hearing. On 9/29/03, the summary order became a final order.

Failed to Report Enforcement Action by Other State Insurance Regulator

Lopez-Wilson violated ORS 744.089(1) in seven instances 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 enforcement action taken against the person, and provide a copy of the order, within 30 days of the final disposition of the action.

1. On 9/19/02, the insurance regulator for the State of Louisiana issued an order, unnumbered, refusing to issue to Lopez-Wilson a Louisiana nonresident insurance agent license. The insurance regulator took the action because on 9/28/01

the Supreme Court of Nebraska suspended Lopez-Wilson's license to practice law in Nebraska for two years because Lopez-Wilson violated Disciplinary Rule 1-102(A)(1) and (6) by threatening a client to disclose confidential information about the client if the client did not pay money to Lopez-Wilson. The action was finally disposed of on 10/19/02. Thus, Lopez-Wilson was required to notify the Insurance Division of the action, and provide a copy of the order, by 11/18/02. Lopez-Wilson has not notified the Insurance Division of the action or provided a copy of the order.

2. On 9/24/02, the insurance regulator for the State of Wisconsin issued an order, number 02-C27938, refusing to issue to Lopez-Wilson a Wisconsin nonresident insurance agent license. The insurance regulator took the action because on 9/28/01 the Supreme Court of Nebraska suspended for two years Lopez-Wilson's license to practice law in Nebraska as described above. The action was finally disposed of on 11/1/02. Thus, Lopez-Wilson was required to notify the Insurance Division of the action, and provide a copy of the order, by 12/1/02. Lopez-Wilson has not notified the Insurance Division of the action or provided a copy of the order.

3. On 9/27/02, the insurance regulator for the State of Iowa issued an order, number 02-0167, issuing to Lopez-Wilson an Iowa nonresident insurance agent license subject to probation in lieu of refusing to issue the license. The insurance regulator took the action because on 9/28/01 the Supreme Court of Nebraska suspended for two years Lopez-Wilson's license to practice law in Nebraska as described above. The action was finally disposed of on 9/27/02. Thus, Lopez-Wilson was required to notify the Insurance Division of the action, and provide a copy of the order, by 10/28/02. Lopez-Wilson has not notified the Insurance Division of the action or provided a copy of the order.

4. On 12/20/02, the insurance regulator for the State of Nevada issued an order, number 02.556, refusing to issue to Lopez-Wilson a Nevada nonresident insurance agent license. The insurance regulator took the action because on 9/28/01 the Supreme Court of Nebraska suspended for two years Lopez-Wilson's license to practice law in Nebraska as described above. The action was finally disposed of on

2/18/03. Thus, Lopez-Wilson was required to notify the Insurance Division of the action, and provide a copy of the order, by 3/20/03. Lopez-Wilson has not notified the Insurance Division of the action or provided a copy of the order.

5. On 3/6/03, the insurance regulator for the State of California issued an order, number LBB0853-AP (AR) refusing to issue to Lopez-Wilson a California nonresident insurance agent license. The insurance regulator took the action because on 9/28/01 the Supreme Court of Nebraska suspended Lopez-Wilson's license to practice law in Nebraska for two years as described above; and Louisiana, Wisconsin, and Iowa took administrative actions against Lopez-Wilson as described above. The action was finally disposed of on 3/6/03. Thus, Lopez-Wilson was required to notify the Insurance Division of the action, and provide a copy of the order, by 4/7/03. Lopez-Wilson has not notified the Insurance Division of the action or provided a copy of the order.

6. On 7/16/03, the insurance regulator for the State of Oklahoma issued an order, number 03-0050-DIS revoking Lopez-Wilson's Oklahoma nonresident insurance agent license as described above. The action was finally disposed of on 7/16/03. Thus, Lopez-Wilson was required to notify the Insurance Division of the action, and provide a copy of the order, by 8/15/03. Lopez-Wilson has not notified the Insurance Division of the action or provided a copy of the order.

7. On 9/11/03, the insurance regulator for the State of Kansas issued a summary order, number 3205-SO, revoking Lopez-Wilson's Kansas nonresident insurance agent license as described above. The action was finally disposed of on 9/29/03. Thus, Lopez-Wilson was required to notify the Insurance Division of the action, and provide a copy of the order, by 10/29/03. Lopez-Wilson has not notified the Insurance Division of the action or provided a copy of the order.

Order

Pursuant to ORS 744.074(1), the Oregon license as an insurance agent issued to Lopez-Wilson is revoked on the date of this order.

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 3, 2004 /s/ Cory Streisinger
Director
Department of Consumer and Business Services

//
//
//