

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

In the Matter of **Dale D. Mills.**

) **FINAL ORDER**

) Case No. INS 03-10-037

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 Dale D. Mills (Mills).

On 11/17/03, 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

Mills has been licensed in Oregon as a nonresident insurance agent from 12/4/90 to 12/31/93, from 2/3/94 to 12/31/95, and since 2/20/96. Mills' current license number is 117923. Mills' last recorded residence address is located in Meridian, Idaho.

### Agent Not Licensed in Resident State

Mills is subject to enforcement action pursuant to ORS 744.063(1)(a) because of the following circumstances. ORS 744.063(1)(a) requires a person licensed in Oregon as a nonresident insurance agent to be also licensed in the person's state of residence as a resident insurance producer. At all relevant times, Mills was a resident of Idaho. On 10/17/02, the insurance regulator for the State of Idaho issued an order, number 2152, accepting Mills' voluntarily surrendered his Idaho resident insurance agent license in lieu of disciplinary action for being convicted, based on a plea of guilty, by the United States District Court for the District of Idaho, in the criminal case number CR-01-190-001-S-EJL, of two counts of the crime of willful failure to file individual income tax returns, a felony, pursuant to 26 U.S.C. §7203. Therefore, Mills has not qualified for an Oregon nonresident insurance agent license since 10/17/02.

### Enforcement Action by Other State Insurance Regulator

Mills is subject to enforcement action pursuant to ORS 744.074(1)(i) in one instance because of the following circumstances. On 11/13/02, the insurance regulator for the State of California issued an order, number LBB 0790-AP (AR), revoking Mills' California nonresident insurance agent license. The insurance regulator took the action because Mills was convicted of the crime described above.

### Failed to Report Enforcement Action by Other State Insurance Regulator

Mills violated ORS 744.089(1) in two 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 administrative action taken against the person, and provide a copy of the order, within 30 days of the final disposition of the action.

1. On 10/17/02, the insurance regulator for the State of Idaho issued an order, number 2152, accepting Mills' voluntarily surrendered his Idaho resident insurance agent license in lieu of disciplinary action as described above. Mills was required to notify the Insurance Division of the action, and provide a copy of the order, by

11/20/02. Mills has not notified the Insurance Division of the action or provided a copy of the order.

2. On 11/13/02, the insurance regulator for the State of California issued an order, number LBB 0790-AP (AR), revoking Mills California nonresident insurance agent license as described above. Mills was required to notify the Insurance Division of the action, and provide a copy of the order, by 12/13/02. Mills has not notified the Insurance Division of the action or provided a copy of the order.

#### Failed to Respond to Director

Mills violated ORS 731.296 in one instance by engaging in the following conduct. ORS 731.296 requires a person licensed in Oregon as an insurance agent to promptly and truthfully respond to inquiries from the director. On 8/12/03, the Insurance Division mailed by certified mail a letter to Mills at his last recorded residence address of 1437 North Sandlin Avenue, Meridian, ID 83642-4021. The letter requested Mills to provide certain information to the Insurance Division by 9/1/03. On 8/18/03, the letter was returned to the Insurance Division undelivered because Mills had changed his residence address to PO Box 65129, Vancouver, WA, 98665-0005 but the time in which the post office forwarded mail to the new address had expired. On 8/19/03, the Insurance Division mailed by certified mail the same letter. The letter requested Mills to provide certain information to the Insurance Division by 9/5/03. On 9/15/03, the Insurance Division received the letter undelivered because it was unclaimed. The Insurance Division has not received any response from Mills.

#### **Order**

Pursuant to ORS 744.074(1), the Oregon license as an insurance agent issued to Mills is revoked on 12/16/03.

#### **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 (4<sup>th</sup> 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](mailto:mitchel.d.curzon@state.or.us).

Dated: January 30, 2004

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

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