

Convicted of Crime

Martin is subject to enforcement action pursuant to ORS 744.074(1)(f) in three instances because of the following circumstances. ORS 744.074(1)(f) permits the director to take any authorized enforcement action against a person licensed in Oregon as an insurance agent if the person was convicted of, *inter alia*, a felony, or a misdemeanor involving dishonesty or breach of trust. On 2/6/03, Martin was convicted, based on a plea of guilty, by the Circuit Court of the State of Oregon for Lane County, in the criminal case entitled *State of Oregon v. Willis Wilburn Martin III*, number 20-02-08152, of the following three crimes. The first was one count of the crime of burglary in the second degree, a felony, pursuant to ORS 164.215. Martin committed the crime of burglary by on or about 4/21/02 unlawfully and knowingly entering and remaining in a building located at 373 Goodpasture Island Road, Eugene, Oregon with the intent to commit the crime of theft therein. The second was one count of the crime of theft in the first degree, a felony, pursuant to ORS 164.055. Martin committed the crime of theft by on or about 4/21/02 unlawfully and knowingly stealing business records, vehicle titles, a computer, DMV records, keys and other property belonging to JKC Automotive, Inc. dba Kiefer's Eugene Mazda, and also as Kiefer's Eugene KIA (Kiefer). The third was one count of the crime of unlawful use of a motor vehicle without the owner's consent, a felony, pursuant to ORS 164.135. Martin committed the crime of unlawful use of another person's motor vehicle by on or between 4/18/02 to 4/21/02, unlawfully and knowingly taking, operating, exercising control over, riding in and otherwise using a 2000 Toyota Tacoma vehicle without the consent of the owner, Kiefer.

Engaged in Dishonest Conduct and Demonstrated Untrustworthiness

Martin violated ORS 744.074(1)(h) in three instances by engaging in the criminal conduct described above. ORS 744.074(1)(h) permits the director to take any authorized enforcement action against a person licensed in Oregon as an insurance agent if the person uses a fraudulent, coercive or dishonest practice, or

demonstrates incompetence, untrustworthiness or financial irresponsibility in the conduct of business in Oregon or elsewhere.

Failed to Report Criminal Action

Martin violated ORS 744.089(2) by engaging in the following conduct. ORS 744.089(2) requires a person licensed in Oregon as an insurance agent to notify the Insurance Division of any criminal prosecution of the person; and provide a copy of the initial complaint, order resulting from the hearing and any other relevant legal documents, within 30 days of the pretrial hearing. On or about 5/20/02, the initial pre-trial hearing in the above described criminal case was held. Thus, Martin was required to notify the Insurance Division of the criminal action, and provide a copy of the specified documents, by 6/19/02. Martin has not notified the Insurance Division of the action or provided a copy of the specified documents.

Order

Pursuant to ORS 744.074(1), the Oregon license as an insurance agent issued to Martin 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 March 25, 2004

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

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