

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

In the Matter of **Roderick P. Gibson.**

) **FINAL ORDER**

) Case No. INS 03-11-021

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 Roderick P. Gibson (Gibson).

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

Gibson has been licensed in Oregon as a nonresident insurance agent since 9/5/02. Gibson's current license number is 181121. Gibson's last recorded residence address is located in Helotes, Texas.

### Made False Statement on Insurance License Application

Gibson violated ORS 744.074(1)(a) in one instance by engaging in the following conduct. On 8/29/02, the Insurance Division received from Gibson an Oregon nonresident insurance agent license application dated 8/7/02. On the application, Gibson answered “No” to question 1, which asked “Have you ever been convicted of, or are you currently charged with, committing a crime, whether or not adjudication was withheld?” Gibson’s answer was false and he knew that it was false because on 3/27/95 Gibson was convicted, based on a plea of no contest, by Third District Court of Lincoln Parish of the State of Louisiana, in the criminal case entitled *State of Louisiana v. Roderick Gibson*, number 37-118, of one count each of the crimes of forgery and felony theft.

### Enforcement Action by Other State Insurance Regulator

Gibson is subject to enforcement action pursuant to ORS 744.074(1)(i) in five instances because of the following circumstances.

1. On 3/28/03, the insurance regulator for the State of Washington issued an order, number D 03-45, revoking Gibson’s Washington nonresident insurance agent license effective 4/17/03 if Gibson did not request a hearing by the effective date. Gibson did not request a hearing. The insurance regulator took the action because Gibson did not respond to two written inquiries from the insurance regulator.

2. On 7/18/03, the insurance regulator for the State of Arizona issued an order, number 03A-119-INS, revoking Gibson’s Arizona nonresident insurance agent license. The insurance regulator took the action for two reasons. One reason was Gibson failed to disclose on his Arizona nonresident insurance agent license application dated 10/8/01 that on 3/27/95 Gibson was convicted of the crimes described above.

3. On 8/12/03, the insurance regulator for the State of South Dakota issued an order, unnumbered, permitting Gibson to voluntarily surrender his South Dakota nonresident insurance agent license in lieu of administrative action. The insurance regulator took the action for several reasons. One reason was Gibson failed to

timely report to the insurance regulator that another insurance regulator of an unnamed state had taken administrative action against Gibson. Another reason was Gibson failed to timely respond to a written inquiry by the insurance regulator dated 5/12/03.

4. On 8/19/03, the insurance regulator for the State of Kansas issued a summary order, number 3197-SO, revoking Gibson's Kansas nonresident insurance agent license. The insurance regulator took the action for several reasons. One reason was on or about 1/17/03 the insurance regulator for the State of Idaho revoked Gibson's Idaho nonresident insurance agent license. Another reason was Gibson failed to report Idaho's action to Kansas. A third reason was Gibson failed to respond to two written inquiries by Kansas dated 5/15/03 and 7/1/03. Gibson did not request a hearing. On 9/8/03, the summary order became a final order.

5. On 10/9/03, the insurance regulator for the State of Florida issued an order, number 69802-03-AG, suspending Gibson's Florida nonresident insurance agent license for six months. The insurance regulator took the action because Gibson failed to disclose on his Florida nonresident insurance agent license application dated 8/7/02 that on 3/27/95 Gibson was convicted of the crimes described above.

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

Gibson violated ORS 744.089(1) in five 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 3/28/03, the insurance regulator for the State of Washington issued an order, number D 03-45, revoking Gibson's Washington nonresident insurance agent license as described above. The action was finally disposed of on 6/26/03. Thus, Gibson was required to notify the Insurance Division of the action, and provide a copy of the order, by 7/28/03. Gibson has not notified the Insurance Division of the action or provided a copy of the order.

2. On 7/18/03, the insurance regulator for the State of Arizona issued an order, number 03A-119-INS, revoking Gibson's Arizona nonresident insurance agent license as described above. The action was finally disposed of on 7/18/03. Thus, Gibson was required to notify the Insurance Division of the action, and provide a copy of the order, by 8/18/03. Gibson has not notified the Insurance Division of the action or provided a copy of the order.

3. On 8/12/03, the insurance regulator for the State of South Dakota issued an order, unnumbered, permitting Gibson to voluntarily surrender his South Dakota nonresident insurance agent license in lieu of administrative action as described above. The action was finally disposed of on 8/12/03. Thus, Gibson was required to notify the Insurance Division of the action, and provide a copy of the order, by 9/11/03. Gibson has not notified the Insurance Division of the action or provided a copy of the order.

4. On 8/19/03, the insurance regulator for the State of Kansas issued an order, number 3197-SO, revoking Gibson's Kansas nonresident insurance agent license as described above. The action was finally disposed of on 9/8/03. Thus, Gibson was required to notify the Insurance Division of the action, and provide a copy of the order, by 10/8/03. Gibson has not notified the Insurance Division of the action or provided a copy of the order.

5. On 10/9/03, the insurance regulator for the State of Florida issued an order, number 69802-03-AG, suspending Gibson's Florida nonresident insurance agent license for six months as described above. The action was finally disposed of on 10/9/03. Thus, Gibson was required to notify the Insurance Division of the action, and provide a copy of the order, by 11/10/03. Gibson 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 Gibson 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 (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 March 3, 2004

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

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