

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

In the Matter of **Nicolas J. Abrantes.**) **STIPULATION** and
) **FINAL ORDER**
) Case No. INS 03-12-002

STIPULATION

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 Nicolas J. Abrantes (Abrantes).

Abrantes enters into this stipulation, pursuant to ORS 183.415(5), to conclude this proceeding without further administrative or judicial proceedings.

Abrantes acknowledges that he received a notice of proposed action, but waives any objections relative to such notice. Abrantes acknowledges that he requested a hearing, but waives the right to have the hearing, and be represented by an attorney at the hearing. Abrantes also waives the right to receive a notice of rights and procedures in contested cases, receive a proposed order, file exceptions to the proposed order, and have the final order judicially reviewed.

Abrantes stipulates to the following facts, conclusions, and action; and consents to the issuance of a final order incorporating this stipulation.

Facts and Conclusions

Licensing Information

Abrantes has been licensed in Oregon as a resident insurance agent since 8/21/01. Abrantes' current license number is 62035. Abrantes' last recorded residence address and business address are located in Portland, Oregon.

Made False Statement on or Relative to an Insurance Application

Abrantes violated ORS 744.013(2)(b) (1999) in two instances by engaging in the following conduct. ORS 744.013(2)(b) (1999) permits the director to revoke, suspend, refuse to issue or renew, an Oregon insurance agent license applied for by or issued to a person if the person makes any false statement on or relative to an application

for the license. On 11/7/01, the Insurance Division received from Abrantes an application dated 11/5/01 for a Oregon resident insurance agent license. Abrantes answered "No" to question 15 which asked "Are you currently under indictment for, or have you been convicted of, any misdemeanor or felony?" Abrantes' answer was false and he knew that it was false because on 10/3/96, Abrantes was convicted, based on a no contest plea, by the San Diego Municipal Court, in the criminal case entitled *State of California v. Nicolas Abrantes*, number M720348, of one count of the crime of driving under the influence of alcohol or drugs, a misdemeanor, pursuant to California Vehicle Code §23152(a), and one count of the crime of disorderly conduct, a misdemeanor, pursuant to California Vehicle Code 647(f). Abrantes, in the course of pleading no contest to the above crimes, also admitted that on 11/26/90 he had been convicted of two unspecified crimes, in case numbers C01542 and C02032.

Action

Pursuant to ORS 731.988, Abrantes is assessed a civil penalty of \$2,000. The civil penalty shall be paid by 7/30/04. 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 to the Insurance Division at 350 Winter Street NE, Room 440, Salem, OR 97301-3883, or mailed to the Insurance Division at PO Box 14480, Salem, OR 97309-0405. The payment shall be received by the Insurance Division by the above due date.

Dated 5/27/04

/s/ Nicolas J. Abrantes
Nicolas J. Abrantes

FINAL ORDER

The director incorporates herein the above stipulation, adopts it as the director's final decision in this proceeding, and orders that the action stated therein be taken.

Dated June 4, 2004

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