



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

Gonzales violated ORS 744.089(1) in one instance 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. On 7/17/03, the insurance regulator for the State of North Carolina refused to issue to Gonzales a nonresident insurance agent license. The insurance regulator took the action because Gonzales had disclosed on his license application that he had been charged with the crimes of assault causing bodily injury on 8/29/94, and of criminal trespass on 5/25/01, but had failed to respond to a letter dated 3/7/03 requesting more information about the assault charge and a termination of probation on 4/8/96. The action was finally disposed of on 8/18/03. Thus, Gonzales was required to notify the Insurance Division of the action, and provide a copy of the order, by 9/17/03. Gonzales has not notified the Insurance Division of the action or provided a copy of the order.

### Failed to Timely Respond to Director

Gonzales 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 8/1/01, Gonzales was convicted, based on a plea of no contest, by the County Court at Law No. 12 of Bexar County, Texas, in the criminal case entitled *State of Texas v. Adrian R. Gonzalez* (sic), cause number 787357, of one count of the crime of criminal trespass, a misdemeanor, pursuant to Texas Penal Code §30.05(A) & (B), by engaging in certain conduct on or about 5/25/01. On 12/11/02, the Insurance Division received from Gonzales an application dated 8/6/02 for an Oregon nonresident insurance agent license. On the application, Gonzales disclosed that he had been convicted of the crime of criminal trespass on 8/1/01, but did not disclose whether he had been convicted of any other crimes. On 7/17/03, the insurance regulator for the State of North Carolina refused to issue to Gonzales a nonresident insurance agent license as described above. On 11/11/03, the Insurance Division received information about

North Carolina's action against Gonzales. When the Insurance Division received the information, it became aware for the first time that Gonzales may have been charged or convicted of the crime of assault causing bodily injury on 8/29/94. On 11/13/03, the Insurance Division mailed by certified mail a letter to Gonzales at his last recorded business address at United Services Automobile Association (USAA), 9800 Fredericksburg Road, San Antonio, TX 78288-0337. The letter requested Gonzales to provide to the Insurance Division by 12/13/03 information about the charge or conviction for the crime of assault causing bodily injury on 8/29/94. USAA received the letter on 11/17/03. However, Gonzales had left USAA on or about 1/13/03, and had not notified the Insurance Division that had changed his business address as required by ORS 744.068(4). USAA did not forward the letter to Gonzales.

### **Order**

Pursuant to ORS 744.074(1), Gonzales' Oregon nonresident insurance agent license is revoked on the date of this order.

### **Notice of Right to Judicial Review**

The party may have 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.

Dated September 15, 2004

/s/ Joel Ario  
Joel Ario  
Administrator  
Insurance Division  
Department of Consumer and Business Services