

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

In the Matter of **Scott T. Horton.** ) **FINAL ORDER**  
 ) Case No. INS 04-01-014

**History of the Proceeding**

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 Scott T. Horton (Horton).

On May 13, 2004, the director issued to the party a notice of proposed action, pursuant to ORS 183.415 and Oregon Administrative Rules (OAR) 137-003-0505. The notice informed the party that they were entitled to a hearing, and if they did not timely request a hearing then the record of the proceeding, including the designated portion of the Insurance Division's file of the investigation of the party, would automatically become part of the contested case record for purposes of proving a *prima facie* case.

The director did not receive any request for a hearing.

The director did not hold a hearing because the director determined that the record of the proceeding proved a *prima facie* case and no further evidence was needed.

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

Horton was licensed in Oregon as a nonresident insurance agent from 2/21/02 to 2/28/04. On 2/28/04, Horton's license expired because he did not renew it. Horton's license number was 175491. Horton's last recorded residence and business addresses are located in Fredericksburg, Virginia.

Failed to Report Enforcement Action by Other State Insurance Regulator

Horton 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 enforcement action taken against the person by another state insurance regulator, and provide a copy of the order, within 30 days of the final disposition of the action.

1. On 3/11/03, the insurance regulator for the State of Idaho issued an order, number 2002-196, refusing to issue to Horton an Idaho nonresident insurance agent license. The insurance regulator took the action because Horton failed to disclose on his Idaho nonresident insurance agent license application dated on or about 5/30/02 certain information, possibly that he had been charged or convicted of a crime, and for failing to respond to an inquiry about such nondisclosure. Horton did not request a hearing. The action was finally disposed of on 4/2/03. Thus, Horton was required to notify the Insurance Division of the action, and provide a copy of the order, by 5/2/03. Horton has not notified the Insurance Division of the action or provided a copy of the order.

2. On 6/12/03, the insurance regulator for the State of Kansas issued an order, number 3171-SO, revoking Horton's Kansas nonresident insurance agent license effective on 6/28/03 if Horton did not request a hearing before the effective date. Horton did not request a hearing. The action was finally disposed of on 6/30/03. The insurance regulator took the action because (1) the insurance regulator for the State of Idaho refused to issue to Horton an Idaho nonresident insurance agent license as described above, and (2) Horton failed to report Idaho's action to Kansas. Thus, Horton was required to notify the Insurance Division of the action, and provide a copy of the order, by 7/28/03. Horton has not notified the Insurance Division of the action or provided a copy of the order.

#### Failed to Respond to Director

Horton 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 5/28/03, the Insurance Division mailed by first class and by certified mail a letter to Horton at

his last recorded residence of 422 Clairborne Avenue, Fredericksburg, VA 22405. The letter requested Horton to provide certain information to the Insurance Division by 6/27/03. On 6/9/03, the Insurance Division received both letters undelivered and marked "Moved left no forwarding address." The Insurance Division has not received any response from Horton.

Enforcement Action by Other State Insurance Regulator

Horton is subject to enforcement action pursuant to ORS 744.074(1)(i) in one instance because of the following circumstances. On 6/12/03, the insurance regulator for the State of Kansas issued an order, number 3171-SO, revoking Horton's Kansas nonresident insurance agent license effective on 6/28/03 as described above.

**Order**

Pursuant to ORS 744.074(1), the Oregon nonresident insurance agent license issued to Horton 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 June 25, 2004

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