

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

In the Matter of **Melissa R. Paul.**

) **FINAL ORDER**

) Case No. INS 04-01-018

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 Melissa R. Paul (Paul).

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

Paul has been licensed in Oregon as a nonresident insurance agent since 8/14/02. Paul's current license number is 180380. Paul's last recorded residence address is located in Knoxville, Tennessee. Paul's last recorded business address is located in Oak Ridge, Tennessee.

Enforcement Action by Other State Insurance Regulator

Paul is subject to enforcement action pursuant to ORS 744.074(1)(i) in one instance because of the following circumstances. ORS 744.074(1)(i) permits the director to take any authorized enforcement action against a person licensed in Oregon as an insurance agent if another state insurance regulator cancels, revokes, suspends, refuses to renew the person's license in that state as an insurance agent, adjuster or consultant. On 3/24/03, the insurance regulator for the State of Washington issued an order, number D03-41, revoking Paul's Washington nonresident insurance agent license effective on 4/13/03 if Paul did not request a hearing by the effective date. Paul did not request a hearing. Thus, the action was effective on 4/13/03. The insurance regulator took the action because Paul failed to respond to the insurance regulator's written inquiries on three separate occasions.

Agent Not Licensed in Resident State

Paul is subject to enforcement action pursuant to ORS 744.063(1)(a) in one instance because of the following circumstances. ORS 744.063(1)(a) requires a person licensed in Oregon as a nonresident insurance agent to be also licensed in the person's state of residence as a resident insurance producer. At all relevant times, Paul was a resident of Tennessee. On 5/15/03, the insurance regulator for the State of Tennessee cancelled Paul's Tennessee resident insurance agent license because Paul did not complete the necessary continuing education requirements to renew her license. Therefore, Paul has not qualified for an Oregon nonresident insurance agent license since 5/15/03.

Failed to Report Enforcement Action by Other State Insurance Regulator

Paul 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 3/24/03, the insurance regulator for the State of Washington issued an order, number D03-41, revoking Paul's Washington nonresident insurance agent license effective on 4/13/03 as described above. The action was finally disposed of on

6/23/03. Thus, Paul was required to notify the Insurance Division of the action, and provide a copy of the order, by 7/23/03. Paul has not notified the Insurance Division of the action or provided a copy of the order.

Order

Pursuant to ORS 744.074(1), Paul's 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 this order to the Oregon Court of Appeals pursuant to ORS 183.480 and 183.482. A party may appeal the order by filing a written petition for judicial review with the Court of Appeals in accordance with the current Oregon Rules of Appellate Procedure. The Court of Appeals must receive the petition within 60 days from the date the 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 within the 60-day time period, then the party will lose the right to appeal the order. If a party appeals the order, the party should also send a copy of the petition to the Insurance Division

Dated June 29, 2004

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

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