

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

In the Matter of **Miguel A. Martinez**) **FINAL ORDER**
) Case No. INS 04-01-024

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 Miguel A. Martinez (Martinez).

On 7/7/04, the director issued to the party a notice of proposed action, pursuant to ORS 183.415. The notice informed the party that they were entitled to a hearing.

The director did not receive a request for a hearing, and 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.

Findings of Fact and Conclusions of Law

Licensing Information

Martinez has been licensed in Oregon as a nonresident insurance agent since 9/30/02.

Agent Not Licensed in Resident State

Martinez 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, Martinez was a resident of California. On 6/26/03, the insurance regulator for the State of California issued an order, number LBB 1172-AP(AR); revoking Martinez' California resident insurance agent license effective on 7/26/03. The insurance regulator took the action because on 1/14/03, Martinez was convicted,

based on a plea of guilty, by the Superior Court of San Diego County, Central Division, State of California, criminal case number CD170726, of the crime of possession a controlled substance for purpose of sale, a felony, pursuant to Section 11378 of the California Health and Safety Code. Therefore, Martinez has not qualified for an Oregon nonresident insurance agent license since 7/26/03.

Failed to Report Enforcement Action by Other State Insurance Regulator

Martinez 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 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. On 6/26/03, the insurance regulator for the State of California issued an order, number LBB 1172-AP(AR); revoking Martinez' California resident insurance agent license effective on 7/26/03 as described above. The action was finally disposed of on 7/26/03. Thus, Martinez was required to notify the Insurance Division of the action, and provide a copy of the order, by 8/25/03. Martinez has not notified the Insurance Division of the action or provided a copy of the order.

Order

Pursuant to ORS 744.074(1), Martinez' 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 September 20, 2004

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

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