

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

In the Matter of **Cyleca M. Shields**) **FINAL ORDER**
) Case No. INS 04-02-017

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 Cyleca M. Shields (Shields).

On 7/30/04, the director notified the party that they were entitled to a hearing pursuant to ORS 183.415.

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 proceedings.

Findings of Fact and Conclusions of Law

Licensing Information

Shields was licensed in Oregon as a nonresident insurance agent from 5/31/02 to 5/31/04. On 5/31/04, Shields' license expired because she did not renew it.

Agent Not Licensed in Resident State

Shields 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 also be licensed and in good standing in the person's state of residence as a resident insurance producer. At all relevant times, Shields was a resident of California. On 10/31/02, Shields allowed her California resident insurance agent license, number OD10421, to expire

and has not renewed it. Therefore, Shields has not qualified for an Oregon nonresident insurance agent license since 10/31/02.

Failed to Report Enforcement Action by Other State Insurance Regulator

Shields 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, and provide a copy of the order, within 30 days of the final disposition of the action. On 4/7/03 the insurance regulator for the State of Washington issued an order, number D03-54, revoking Shields' Washington nonresident insurance agent license effective on 4/27/03 if Shield's did not request a hearing by the effective date. Shields did not request a hearing. The insurance regulator took the action because Shields failed to respond to three inquiries from the insurance regulator. The action was finally disposed of on 7/7/03. Thus, Shields was required to notify the Insurance Division of the action, and provide a copy of the order, by 8/6/03. Shields has not notified the Insurance Division of the action or provided a copy of the order.

Failed to Respond to Director

Shields 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 12/22/03, the Insurance Division mailed by certified mail a letter to Shields at her last recorded residence address of 9211 Amy's Street, Apartment 26, Spring Valley, CA 91977-3982. The letter requested Shields to provide certain information to the Insurance Division by 1/16/04. On 12/26/03, Shields received the letter. The Insurance Division has not received any response from Shields.

Order

Pursuant to ORS 744.074(1) and 744.011, Shields' Oregon nonresident 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 October 6, 2004

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

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