

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

In the Matter of **Cherie A. Robinson**) **FINAL ORDER**
) Case No. INS 04-03-018

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 Cherie A. Robinson (Robinson).

On 8/2/04, 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

Robinson has been licensed in Oregon as a nonresident insurance agent since 2/11/03.

Made False Statement on Insurance License Application

Robinson violated ORS 744.074(1)(a) in one instance by engaging in the following conduct. ORS 744.074(1)(a) permits the director to take any authorized action against a person if the person provided to the director incorrect, misleading, incomplete or materially untrue information on an Oregon insurance agent license application. On 2/4/03, the Insurance Division received from Robinson an application dated 1/28/03 for a license in Oregon as a nonresident insurance agent. On the application, Robinson answered "No" to question 1, which asked "Have you ever been convicted of, or are you currently charged with, committing a crime whether or not adjudication was withheld?" Robinson's answer was false because

on 6/29/00, Robinson was convicted by the Virginia Beach Juvenile and Domestic Relations District Court, in case number ORI VA 128021J, of the crime of failure to appear in court, pursuant to Section 19.2-128 of the Virginia Code, a misdemeanor.

Failed to Report Enforcement Action by Other State Insurance Regulator

Robinson violated ORS 744.089(1) in five 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 administrative action taken against the person, and provide a copy of the order, within 30 days of the final disposition of the action.

1. On 6/12/03, the insurance regulator for the State of Kentucky issued an order, number 2003LGJ00083, assessing Robinson a civil penalty of \$500. The insurance regulator took the action because Robinson failed to disclose on her Kentucky nonresident insurance agent license application dated 1/28/03 that she had been convicted of the crime described above. The action was finally disposed of on 8/11/03. Thus, Robinson was required to notify the Insurance Division of the action, and provide a copy of the order, by 9/10/03. Robinson has not notified the Insurance Division of the action or provided a copy of the order.

2. On 9/22/03, the insurance regulator for the State of Kentucky issued an order, number 2003LGJ00083, suspending for 30 days Robinson's Kentucky nonresident insurance agent license. The insurance regulator took that action because (1) on 6/12/03, the insurance regulator assessed Robinson a civil penalty of \$500 as described above, (2) the civil penalty was due on 7/14/03, (3) Robinson did not contest the assessment, (4) on or about 8/26/03 the insurance regulator sent to Robinson a letter dated reminding her of her obligation to pay the civil penalty which was then overdue, and (5) Robinson still did not pay the civil penalty. The order warned Robinson that if she did not pay the civil penalty by 10/22/03 then the insurance regulator would revoke her Kentucky nonresident insurance agent license, which as described below, eventually occurred. The action was finally disposed of on 10/23/03. Thus, Robinson was required to notify the Insurance

Division of the action, and provide a copy of the order, by 11/24/03. Robinson has not notified the Insurance Division of the action or provided a copy of the order.

3. On 9/22/03, the insurance regulator for the State of Kansas issued an order, number 3212-SO, revoking Robinson's Kansas nonresident insurance agent license. The insurance regulator took the action because (1) Robinson failed to disclose on her Kansas nonresident insurance agent license application dated 3/10/03 that she had been convicted of the crime as described above, (2) the insurance regulator for the State of Kentucky assessed Robinson the civil penalty on 6/12/03 as described above, (3) Robinson failed to report Kentucky's action to the insurance regulator, and (4) Robinson failed to respond to an initial letter dated 7/18/03 and a follow up letter dated 8/14/03 from the insurance regulator requesting information about her conviction and Kentucky's administrative action. The action was finally disposed of on 10/10/03. Thus, Robinson was required to notify the Insurance Division of the action, and provide a copy of the order, by 11/10/03. Robinson has not notified the Insurance Division of the action or provided a copy of the order.

4. On 12/17/03, the insurance regulator for the State of Kentucky issued an order, number 2003LGJ00083, revoking Robinson's Kentucky resident insurance agent license. The insurance regulator took the action because Robinson failed to pay the civil penalty by 10/22/03 as described above. The action was finally disposed of on 2/16/04. Thus, Robinson was required to notify the Insurance Division of the action, and provide a copy of the order, by 3/17/04. Robinson has not notified the Insurance Division of the action or provided a copy of the order.

5. On 6/4/04, the insurance regulator for the State of Virginia issued an order, number 2003LGJ00083, revoking Robinson's Virginia resident insurance agent and surplus lines broker licenses and prohibiting Robinson from reapplying therefor for five years as described above. The action was finally disposed of on 6/4/04. Thus, Robinson was required to notify the Insurance Division of the action, and provide a copy of the order, by 7/5/04. Robinson has not notified the Insurance Division of the action or provided a copy of the order.

Agent Not Licensed in Resident State

Robinson 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, Robinson was a resident of Virginia. On 6/4/04, the insurance regulator for the State of Virginia issued an order, number 2003LGJ00083, revoking Robinson's Virginia resident insurance agent and surplus lines broker licenses and prohibiting Robinson from reapplying therefor for five years as described above. Therefore, Robinson has not qualified for an Oregon nonresident insurance agent license since 6/4/04.

Order

Pursuant to ORS 744.074(1), Robinson'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 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