

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

In the Matter of **Kimberly C. Sullivan.** ) **STIPULATION** and  
 ) **FINAL ORDER**  
 ) Case No. INS 04-03-026

**STIPULATION**

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 Kimberly C. Sullivan (Sullivan).

Sullivan enters into this stipulation, pursuant to ORS 183.415(5), to conclude this proceeding without further administrative or judicial proceedings.

Sullivan waives the right to receive a notice of proposed action, receive a notice of the rights of a party and procedures in contested cases, have a hearing, be represented by an attorney at the hearing, receive a proposed order, file exceptions to the proposed order, and have the final order judicially reviewed.

Sullivan stipulates to the following facts, conclusions, and action, and consents to issuance of a final order incorporating this stipulation.

**Facts and Conclusions**

Licensing Information

Sullivan has been licensed in Oregon as a nonresident insurance agent since 12/3/02.

Made False Statement on Insurance License Application

Sullivan is subject to enforcement action pursuant to ORS 744.074(1)(a) in one instances 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 11/26/02, the Insurance Division received from Sullivan an Oregon nonresident insurance agent license application dated 11/19/02. On the application, Sullivan answered "No" to question 2 which asked

“Have you or any business in which you are or were an owner, partner officer or director ever been involved in an administrative proceeding regarding any professional or occupation license?” Sullivan’s answer was false because on 9/30/02, the insurance regulator for the State of California issued an order, number LBB 0391-AP (AR), refusing to issue to Sullivan a California unrestricted insurance agent license, and in lieu thereof issuing to her a California nonresident restricted license indefinitely. The insurance regulator took the action because Sullivan was convicted of the following three crimes, all relating to writing bad checks. On 1/6/92 Sullivan was convicted, based on a plea of guilty, by the General District Court, Spotsylvania County, State of Virginia, in the criminal case number C92-0008, of the crime of writing a bad check, pursuant to Section 18.2-181 of the Virginia Code, a misdemeanor. On 4/6/00 Sullivan was convicted, based on a plea of guilty, by the General District Court, Spotsylvania County, State of Virginia, in the criminal case number C00-052, of the crime of writing a bad check, pursuant to Section 18.2-181 of the Virginia Code, a misdemeanor. On 4/6/00, Sullivan was convicted, based on a plea of guilty, by the General District Court, Spotsylvania County, State of Virginia, in the criminal case number C00-053, of the crime of writing a bad check, pursuant to Section 18.2-181 of the Virginia Code, a misdemeanor. Sullivan disclosed the above convictions on her applications for both her California and Oregon licenses. However, as indicated, Sullivan did not disclose on her Oregon license application California’s administrative action against her.

Failed to Report Enforcement Action by Other State Insurance Regulator

Sullivan 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 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 2/6/03, the insurance regulator for the State of Ohio issued an order, number LGL-00001019-H, refusing to issued to Sullivan an Ohio nonresident insurance agent license. The insurance regulator took the action because Sullivan was convicted on 4/6/00 as described above. The action was finally disposed of on 2/6/03. Thus, Sullivan was required to notify the Insurance Division of the action, and provide a copy of the

order, by 3/10/03. Sullivan has not notified the Insurance Division of the action or provided a copy of the order.

2. On 3/4/03, the insurance regulator for the State of Wisconsin issued an order, number 03-C28279, refusing to issue to Sullivan a Wisconsin nonresident insurance agent license for 31 days until 4/4/03. The insurance regulator took the action because Sullivan failed to disclose on her Wisconsin nonresident insurance agent license application dated 11/26/02 that the insurance regulator for the State of California had taken administrative action taken against her on 9/30/02 as described above. The action was finally disposed of on 4/3/03. Thus, Sullivan was required to notify the Insurance Division of the action, and provide a copy of the order, by 5/5/04. Sullivan has not notified the Insurance Division of the action or provided a copy of the order.

### **Action**

As consideration for the director not taking any enforcement action in this proceeding, Sullivan surrenders her Oregon nonresident insurance agent license effective on the date of this stipulation, and shall never apply for any license authorized by ORS Chapter 744.

Dated August 16, 2004

/s/ Kimberly C. Sullivan  
Kimberly C. Sullivan

### **FINAL ORDER**

The director incorporates herein and adopts the above stipulation as the director's final decision in this proceeding, and orders that no enforcement action shall be taken against Sullivan.

Dated September 8, 2004

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