

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

In the Matter of **Dale I. Nealey**.

) **STIPULATION** and  
) **FINAL ORDER**  
) Case No. INS 04-06-004

**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 Dale I. Nealey (Nealey).

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

Nealey 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.

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

**Facts and Conclusions**

Licensing Information

Nealey has been licensed in Oregon as a nonresident insurance agent since 12/18/01. Nealey's current license number is 173608. Nealey's residence address is located in Dennison, Ohio. Nealey's business address is located in New Philadelphia, Ohio.

Failed to Report Enforcement Action by Other State Insurance Regulator

Nealey 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 7/12/02, the insurance regulator for the State of New Jersey issued an order, number E02-197, assessing Nealey a civil penalty of \$250.00. The insurance regulator took the action because Nealey failed to timely notify the insurance regulator of a change of residence address. The action was finally disposed of on 7/12/02. Nealey was required to notify the Insurance Division of the action, and provide a copy of the order, by 8/12/02. Nealey believes that he or someone on his behalf notified the director of the action. However, the director never received any such notice or a copy of the order.

2. On 7/21/03, the insurance regulator for the State of Colorado issued an order, order number O-04-013 and case number 141538, assessing Nealey a civil penalty of \$1,000. The insurance regulator took the action because Nealey failed to disclose on his Colorado nonresident insurance agent license application that the insurance regulator for the State of New Jersey had taken administrative action against Nealey. The action was finally disposed of on 7/21/03. Thus, Nealey was required to notify the Insurance Division of the action, and provide a copy of the order, by 8/20/03. Nealey believes that he or someone on his behalf notified the director of the action. However, the director never received any such notice or a copy of the order.

### **Action**

Pursuant to ORS 731.988, Nealey is assessed a civil penalty of \$400. The payment shall be made in the form of a check payable to the "Department of Consumer and Business Services" for the full amount due. The payment shall be delivered to the Insurance Division at the Labor and Industries Building, 350 Winter Street NE, Room 440 (4<sup>th</sup> Floor), Salem, Oregon; or mailed to the Insurance Division at PO Box 14480, Salem, OR 97309-0405. The payment is due on, and shall be received by the Insurance Division by, the date of the final order.

Dated June 28, 2004

/s/ Dale I. Nealey  
Dale I. Nealey

**FINAL ORDER**

The director incorporates herein and adopts the above stipulation as the director's final decision in this proceeding, and orders that the action stated therein be taken.

Dated July 16, 2004

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

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