

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

In the Matter of **Jonathan E. Hogge** ) **FINAL ORDER**  
 ) Case No. INS 04-07-017

**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 Jonathan E. Hogge (Hogge).

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 from the party any 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.

**Findings of Fact and Conclusions of Law**

Licensing Information

Hogge has been licensed in Oregon as a nonresident insurance agent since 10/25/02.

Enforcement Action by Other State Insurance Regulator

Hogge is subject to enforcement action pursuant to ORS 744.074(1)(i) in one instance because of the following circumstances. ORS 744.074(1)(i) permits the director to take any authorized enforcement action against a person licensed in Oregon as an insurance agent if another state insurance regulator cancels, revokes, suspends, refuses to renew the person's license in that state as an insurance agent, adjuster or consultant. On 2/19/04, the insurance regulator of the State of North Dakota issued an order revoking Hogge's North Dakota nonresident insurance agent license. The insurance regulator took the action because Hogge demonstrated that he was not sufficiently competent, trustworthy, and financially responsible to be an insurance agent. Hogge demonstrated these deficiencies by, as President of

My Smart Benefits, Inc. (MSB), allowing or causing MSB to fail to timely pay \$150,883.00 in valid claims submitted by employees in North Dakota and other claims submitted by employees of other states that were covered by self funded benefit plans administered by MSB. MSB ceased operations on 10/23/03.

Failed to Report Enforcement Action by Other State Insurance Regulator

Hogge 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 administrative action taken against the person, and provide a copy of the order, within 30 days of the final disposition of the action. On 2/19/04, the insurance commissioner of the State of North Dakota issued an order revoking Hogge's North Dakota nonresident insurance agent license as described above. The action was finally disposed of on order became final on 2/19/04. Thus, Hogge as required to notify the Insurance Division of the action, and provide a copy of the order, by 3/22/04. Hogge has not notified the Insurance Division of the action or provided a copy of the order.

**Order**

Pursuant to ORS 744.074(1), Hogge'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 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 October 11, 2004

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

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