

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

In the Matter of **Jeffrey D. Roberts**) **FINAL ORDER**
) Case No. INS 04-08-003

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 Jeffrey D. Roberts (Roberts).

On 8/27/04, 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 proceeding.

Findings of Fact and Conclusions of Law

Licensing Information

Roberts was licensed in Oregon as a nonresident agent from 8/31/90 to 8/31/04. On 8/31/04, Roberts' license expired because it was not renewed.

Convicted of Felony Involving Dishonesty or Breach of Trust

Roberts is subject to enforcement action pursuant to ORS 731.428(4) in four instances because of the following circumstances. ORS 731.428(4) requires the director to revoke, suspend, or refuse to renew, the Oregon insurance agent license issued to a person that has been convicted of a felony involving dishonesty or a breach of trust as defined in Oregon Administrative Rules (OAR) 836-071-0323(7), or of a crime pursuant to 18 U.S.C. §1033, unless the person applies for and the director issues a written consent to engage in the business of insurance pursuant to ORS 731.428 and OAR 836-071-0323 *et seq.* On 4/28/04, Roberts was convicted, based on a plea of guilty, by the Ada County Court, Fourth Judicial District, State of

Idaho, in the criminal case entitled *State of Idaho v. Jeffery[sic] Roberts*, number H0400196, of one count of the crime of racketeering, pursuant to Idaho Code §§18-7803, 18-7804(c); and three counts of securities fraud, pursuant to Idaho Code §30-1043, all of which were felonies. Roberts committed the above crimes by, from 1998 to 2002, in connection with the offer, sale, or purchase of securities, misappropriating about \$152,743.00 belonging to an elderly person. All of the crimes are felonies involving dishonesty or breach of trust. The director has not received from Roberts an application for written consent to engage in the business of insurance and the director does not intend to issue any such consent.

Agent Not Licensed in Resident State

Roberts 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, Roberts was a resident of Idaho. On 6/23/04, the insurance regulator for the State of Idaho issued an order, number 2257, revoking Roberts' Idaho resident insurance agent license. The insurance regulator took the action because Roberts was convicted as described above. Therefore, Roberts has not qualified for an Oregon nonresident insurance agent license since 6/23/04.

Order

Pursuant to ORS 744.074(1) and 744.011, Roberts's Oregon expired 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 11, 2004

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

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