

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

In the Matter of **James S. Georgen**) **FINAL ORDER**
) Case No. INS 04-10-006

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 James S. Georgen (Georgen).

On October 25, 2004, the director issued a notice of proposed action notifying the party that the director proposed to take enforcement action against the party and the party was entitled to a hearing, pursuant to ORS 183.415 and Oregon Administrative Rules (OAR) 137-003-0001.

On November 9, 2004, the director timely received from the party a written request for a hearing.

On November 11, 2004, the director referred the party's request for a hearing to the Office of Administrative Hearings (OAH).

On December 8, 2004, OAH scheduled a hearing to be held on February 8, 2005.

On February 8, 2005, OAH held a hearing. The hearing was conducted by Lawrence S. Smith, an administrative law judge of OAH. The director, by and through the Insurance Division, appeared and was represented at the hearing by Kathleen Dahlin, an Assistant Attorney General. The Insurance Division called Douglas Berwick and David Weiss as its witnesses. The Insurance Division offered Exhibits A1 through A10 as its documentary evidence. All of the Insurance Division's exhibits were admitted into the record. The party did not appear but was represented at the hearing by Andrew P. Ositis, an attorney. The party did not call any witnesses. The party offered Exhibits R1 through R3 as its documentary evidence. All of the party's exhibits were admitted into the record.

On March 9, 2005, OAH issued a proposed order pursuant to ORS 183.460, and OAR 137 -003-0645 and 137-003-0650. The proposed order found that the party committed all of the violations that were allege in the notice of proposed action, and recommended that the director take the action proposed in the notice. The proposed order informed the party that they could file with the director written exceptions to the proposed order within 30 days after the proposed order was sent to the party.

On April 7, 2005, the director timely received from the party written exceptions to the proposed order.

On April 15, 2005, the director received from the Insurance Division a written response to the party's exceptions.

The director did not receive from the party any response to the Insurance Division's response.

The director considered the party's exceptions and the Insurance Division's response. The director is not persuaded by the party's exceptions or the Insurance Division's response that the director must or should take any action different than that proposed in the notice of proposed action or recommended in the proposed order.

The director now makes the following final decision in this proceeding.

Findings of Fact, Conclusions of Law and Opinion

The director adopts, and incorporates herein by this reference, the findings of fact, conclusions of law, and opinion of proposed order as the facts, conclusions, and reasoning of this final order.

Order

Pursuant to ORS 744.074(1), Georgen's Oregon resident individual insurance producer license is revoked on the date of this order.

Pursuant to ORS 731.988, Georgen is assessed a civil penalty of \$8,550.00. 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 (4th Floor), Salem, Oregon; or mailed to the Insurance

Division at PO Box 14480, Salem, OR 97309-0405. Pursuant to ORS 183.090(2), the payment is due on, and shall be received by the Insurance Division by, the 71st calendar day after the date of this order, unless the party timely appeals the order.

Notice of Right to Judicial Review

The party may be entitled to have the final order reviewed by the Oregon Court of Appeals pursuant to ORS 183.480 and 183.482. A party may institute a proceeding for judicial review by filing with the court a petition for judicial review 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 files a petition, the party is requested to also send a copy of the petition to the Insurance Division.

Dated June 2, 2005

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

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