STATE OF OREGON
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
INSURANCE DIVISION

In the Matter of **Ellen S. Higgins**	)	**FINAL ORDER**
	)	Case No. INS 04-11-004

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 Ellen S. Higgins (Higgins).

On 11/23/04, 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

Higgins has been licensed in Oregon as a resident insurance agent since 2/10/03. Higgins' last recorded residence address is located in Portland, Oregon, and business address is located in Beaverton, Oregon. However, Higgins' last known residence address is located in Ridgefield, Washington.

Made False Statement on or Relative to an Insurance Application

Higgins violated ORS 746.100 in one instance by engaging in the following conduct. ORS 746.100 prohibits a person from making a false or fraudulent statement or representation on or relative to an application for insurance. On 6/13/03, Higgins solicited, completed and received from Harold "Skip" L. Hornick (Hornick) of Junction City, Oregon, an application for individual health insurance to be provided by Fortis Insurance Company (Fortis). Higgins asked Hornick question 46 on the application which asked if Hornick had used tobacco in any form within the previous five years. Hornick told Higgins that he then smoked. Nevertheless, Higgins marked "no" as Hornick's answer.

Order

Pursuant to ORS 744.074(1), Higgins' Oregon resident 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 loose 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 January 13, 2005

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

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