

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

In the Matter of **Russell J. D. Garcia**) **FINAL ORDER**
) Case No. INS 05-04-001

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 Russell J. D. Garcia (Garcia).

On 4/27/05, the director issued a notice of proposed action pursuant to ORS 183.415 notifying the party that the director proposed to take enforcement action against the party and 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.

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

Findings of Fact and Conclusions of Law

Licensing Information

Garcia has been licensed in Oregon as a nonresident individual insurance producer from 3/25/03 to 3/31/05. On 3/31/05, Garcia's license expired. Garcia's last recorded residence and business addresses were located in Fredericksburg, Virginia.

Agent Not Licensed in Resident State

Garcia 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 be also licensed in the person's state of residence as a resident insurance producer. At all relevant times, Garcia was a resident of Virginia. On 7/23/04, the insurance regulator for the State of Virginia issued an order, number INS-2004-00196, revoking Garcia's

Virginia resident insurance agent license because Garcia failed to report that the insurance regulator for the State of North Carolina had taken administrative action against Garcia. Therefore, Garcia has not qualified for an Oregon nonresident insurance agent license since 7/23/04.

Order

Pursuant to ORS 744.074(1) and 744.011, Garcia's Oregon expired nonresident individual insurance producer license is revoked on the date of this 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 6, 2005

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

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