

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

In the Matter of **Warren L. Marcotti, Jr.**

) **FINAL ORDER**  
) Case No. INS 05-08-004

**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 Warren L. Marcotti Jr. (Marcotti).

On 9/6/05, the director issued a notice of proposed action notifying the party that the director proposed to take enforcement action against the party and that the party was entitled to a hearing, pursuant to ORS 183.415.

The director did not receive a request for a hearing. The director 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

Marcotti has been licensed in Oregon as a resident individual insurance producer since 4/30/90. Marcotti's last recorded residence address is located in Winston, Oregon, and last recorded business address is located in Roseburg, Oregon.

Failed to Respond to Director's Inquiry

Marcotti violated ORS 731.296 in one instance by engaging in the following conduct. ORS 731.296 requires a person licensed in Oregon as an insurance producer to promptly and truthfully respond to inquiries from the director. On or about 4/20/05, the Insurance Division received a complaint from Brian K. Wilson (Wilson) of Winston, Oregon. Wilson complained that he met with Marcotti, applied for automobile insurance, and paid the semi-annual premium in cash to Marcotti,

but Marcotti did not procure the insurance, and thus Wilson did not have any automobile insurance as required by law. On 7/1/05 at 2:02 PM, the Insurance Division faxed a letter to Marcotti at his business fax number of 541-673-8082. On 7/1/05, after faxing the letter to Marcotti, the Insurance Division called Marcotti's business office and spoke to a person named "Raven" who confirmed receipt of the initial letter. The letter requested Marcotti to provide certain information about the complaint to the Insurance Division by 7/29/05. Marcotti did not respond. On 8/2/05 at 2:08 PM, the Insurance Division faxed a follow up letter to Marcotti. On 8/2/05, after faxing the letter to Marcotti, the Insurance Division called Marcotti's business office and spoke to "Raven" who confirmed receipt of the follow up letter and stated that Marcotti personally received the initial letter, and would receive the follow up letter once he arrived in the office. Marcotti has not responded.

### **Order**

Pursuant to ORS 744.074(1), Marcotti's Oregon resident individual 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 October 3, 2005

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