

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

In the Matter of **Gary A. White**

) **FINAL ORDER**  
) Case No. INS 06-04-003

**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 Gary A. White (White).

On 4/18/06, 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

White was licensed in Oregon as a nonresident individual insurance producer from 10/31/97 to 10/31/99 and from 3/11/03 to 3/31/05. On 3/31/05, White's license expired. White's last recorded residence address is located in St. Petersburg, Florida.

Misappropriated Moneys or Property

White is subject to enforcement action pursuant to ORS 744.074(1)(d) because of the following circumstances. ORS 744.074(1)(d) prohibits a person from improperly withholding, misappropriating, or converting, any moneys or properties received by the person in the course of doing insurance business. From about March 2003 to March 2005, White, as an employee of Employee Benefits Communication, Inc. (EBC) of Tampa Florida, appropriated from EBC commission checks totaling an estimate of between \$100,000 and \$500,000 and used all of the proceeds for his own

benefit to purchase computer equipment, cameras, vacations, electronics, recreational equipment, and to pay for general living expenses.

Enforcement Action by Other State Insurance Regulator

White is subject to enforcement action pursuant to ORS 744.074(1)(i) because of the following circumstances. ORS 744.074(1)(i) permits the director to take any authorized enforcement action against a person when another state insurance regulator cancels, revokes, suspends, or refuses to renew, the person's license in that state as an insurance producer, adjuster or consultant. From 8/1/05 to 2/22/06, the insurance regulators of sixteen states, including Florida, White's state of residence, issued orders canceling or revoking White's insurance producer licenses in those states, or allowing White to surrender such licenses. The state, date of the order, order number, and action in each instance is as follows:

<u>State</u>	<u>Date</u>	<u>Order No.</u>	<u>Action</u>
Delaware	8/1/05	none	Revoked
Vermont	8/1/05	05-030-I	Revoked
Massachusetts	8/8/05	SIU 5232	Revoked or Surrendered
South Dakota	8/8/05	05-6399	Revoked
Kentucky	8/26/05	2005-0051	Revoked
Virginia	9/2/05	00043112	Surrendered
North Dakota	9/16/05	244	Revoked
Wyoming	10/11/05	05-18	Revoked
Connecticut	10/24/05	MC 05-98	Revoked
Indiana	11/16/05	E-2227	Revoked & \$10,000 fine
Ohio	12/12/05	None	Revoked
Florida	1/3/06	84337-05-AG	Revoked
Utah	1/5/06	E Case 1707	Surrendered
North Carolina	1/10/06	None	Cancelled
Idaho	1/25/06	18-2324-05	Revoked
Wisconsin	2/22/06	None	Revoked

**Order**

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

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**Notice of Right to Judicial Review**

A party has the right to appeal this final order to 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 May 17, 2006

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

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