

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

In the Matter of **Ty A. Ridenhour**

) **FINAL ORDER**

) Case No. INS 07-08-004

**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 Ty A. Ridenhour (Ridenhour).

On 8/20/07, 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. The notice of proposed action included a statement that if a hearing was not conducted then the designated portion of the Insurance Division's file in this case would automatically become part of the contested case record for the purpose of proving a *prima facie* case.

On 9/5/07, the director timely received from the party a written request for a hearing.

On 9/19/07, OAH scheduled a hearing to be conducted on 1/15/08, and mailed to the party a written notice informing the party of the date, time and place of the hearing.

On 1/15/08, the party did not appear for the scheduled hearing, or communicate with OAH to explain why the party did not appear or to request OAH to reschedule the hearing. OAH did not conduct a hearing.

The director finds that the designated portion of the Insurance Division's file in this case contains evidence that persuades the director of the existence of facts

necessary to support this order, and no further testimony or evidence is necessary to prove a *prima facie* case, pursuant to OAR 137-003-0670(1)(c) and (3).<sup>1</sup>

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

### **Findings of Fact and Conclusions of Law**

#### Licensing Information

Ridenhour has never been licensed in Oregon as a resident or nonresident individual insurance producer. On 3/27/07, the Insurance Division received from Ridenhour an Oregon resident insurance producer license application dated 2/20/07. Ridenhour's last recorded residence address is located in Vancouver, Washington.

#### Convicted of Crime

Ridenhour is subject to enforcement action pursuant to ORS 744.074(1)(f) because of the following circumstances. ORS 744.074(1)(f) permits the director to take any authorized enforcement action against a person who has applied for a license or is licensed in Oregon as an insurance producer if the person was convicted of a misdemeanor involving dishonesty or breach of trust, a felony, or an offense punishable by death or imprisonment under the laws of the United States.

On 2/11/04, Ridenhour was convicted, based on a plea of guilty, by the Circuit Court of the State of Oregon for the County of Hood River, in case number 040001CR, of the crime of theft of identity pursuant to ORS 165.800, a felony. Ridenhour committed the crime by "on or about 01/4/2004, in the County of Hood River and State of Oregon, [Ridenhour] did unlawfully, with intent to defraud, possess personal identification of Frances Swanson." On 3/1/07, Ridenhour requested and the court issued an order reducing the crime from a felony to a misdemeanor.

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<sup>1</sup> In the notice of proposed action, the director alleged that Ridenhour was subject to enforcement action pursuant to ORS 744.074(1)(a), (f) and (h). The director, upon further consideration and advice, finds the allegation that Ridenhour violated ORS 744.074(1)(h) is not supported by a *prima facie* case, and the director does not rely on that allegation in making the final decision in this proceeding. The director finds that the remaining two allegations are supported by a *prima facie* case, and based on them, the director continues to believe that Ridenhour should not be issued an Oregon insurance producer license.

On 2/11/04, Ridenhour was convicted, based on a plea of guilty, by the Circuit Court of the State of Oregon for the County of Hood River, in case number 040010CM, of the crime of contempt of court pursuant to ORS 33.045, a misdemeanor. Ridenhour committed the crime by “on or about 01/20/2004, in the County of Hood River and State of Oregon, Ridenhour did unlawfully and willfully disobey an order of the Hood River County Circuit Court by leaving the State of Oregon without obtaining the Court’s permission to do so.”

Provided Incorrect, Misleading, Incomplete or Materially Untrue Information on Insurance License Application

Ridenhour is subject to enforcement action pursuant to ORS 744.074(1)(a) because of the following circumstances. ORS 744.074(1)(a) permits the director to take any authorized enforcement action against a person who has applied for a license or is licensed in Oregon as an insurance producer if the person provided to the director incorrect, misleading, incomplete or materially untrue information on an Oregon insurance producer license application. On 3/27/07, the Insurance Division received from Ridenhour an Oregon resident insurance producer license application dated 2/20/07. On the application, Ridenhour answered “no” to question 9 which asked “[h]ave you ever been convicted of ... committing a misdemeanor or felony?” Ridenhour’s answer was incorrect and materially untrue because Ridenhour had been convicted of theft of identity, unlawful possession of a controlled substance, contempt of court, partner or family member assault, and probation violation, as described in the Information dated 1/5/04 filed in case number 040001CR, in the Complaint dated 1/21/04 filed in case number 040010CM, and in the Stipulated Amendment to Conditions of Probation dated 12/8/04 in case number 040001CR, referred to above.

**Order**

Pursuant to ORS 744.074(1), Ridenhour shall not be issued an Oregon insurance producer license.

**Notice of Right to Judicial Review**

A party has the right to judicial review of this order pursuant to ORS 183.480 and ORS 183.482. A party may request judicial review by sending a petition for judicial review to the Oregon Court of Appeals. The court must receive the petition 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 date the party received the order. If the order was mailed to a party, then the date of service is the date the order was mailed to the party, not the date 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 February 25, 2008

/s/ Scott J. Kipper  
Scott J. Kipper  
Administrator  
Insurance Division  
Department of Consumer and Business Services

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