

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

In the Matter of **Jose A. Olvera-Godinez**) **STIPULATION** and
) **FINAL ORDER**
) Case No. INS 08-03-004

STIPULATION

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 Jose A. Olvera-Godinez (Olvera-Godinez).

Olvera-Godinez desires to conclude this proceeding without a hearing by entering into this stipulation pursuant to ORS 183.415(5).

Olvera-Godinez waives all rights relative to an administrative hearing and judicial review thereof.

Olvera-Godinez stipulates to the following facts, conclusions, action, and to the issuance of a final order incorporating this stipulation.

Facts and Conclusions

Licensing Information

Olvera-Godinez has been licensed in Oregon as a resident insurance producer since 8/29/05. Olvera-Godinez' last recorded residence address is located in Salem, Oregon, and last recorded business address is located in Woodburn, Oregon.

Failed to Report Criminal Action

Olvera-Godinez is subject to enforcement action pursuant to ORS 744.089(2) because of the following circumstances. ORS 744.074(1)(b) 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 violated any insurance statute; or any rule, order, or subpoena, of the director or the insurance regulator of another state. An insurance statute, ORS 744.089(2), requires a person who is licensed in Oregon as an insurance producer to notify the director of any

criminal prosecution of the person, and provide to the director a copy of the initial complaint, order resulting from the hearing, and any other relevant legal documents, within 30 days after the pretrial hearing. On 1/24/07, in the Circuit Court of the State of Oregon for the County of Marion, in the criminal case *State v. Jose Alberto Olvera-Godinez*, case number 07C41049, the county district attorney issued an Information dated 1/24/07 charging Olvera-Godinez with committing one count of the crime of robbery in the second degree, a felony, pursuant to ORS 164.405. On 1/25/07, Olvera-Godinez appeared at the pre-trial hearing to respond to the charges. Thus, Olvera-Godinez was required to notify the director of the criminal action, and provide a copy of the Information and Waiver of Indictment, by 2/26/07. On 9/5/07, the director received from Olvera-Godinez an application to renew his Oregon insurance producer license. The application contained a preprinted statement saying “I have not been convicted of a misdemeanor or felony in the last two years.” Attached to the application was an undated and unsigned letter from Olvera-Godinez briefly explaining that Olvera-Godinez had played a “minimal role” in a “beer run,” plead guilty to the crime of robbery in the second degree, and was sentenced to three years probation. Olvera-Godinez also attached a pre-sentencing report. Olvera-Godinez did not then or subsequently provide to the director a copy of the Information.

Convicted of Felony Involving Dishonesty or Breach of Trust

Olvera-Godinez is subject to enforcement action pursuant to ORS 731.428(4) because of the following circumstances. ORS 731.428(4) requires the director to revoke, suspend, or refuse to renew, the Oregon insurance producer license issued to a person who was convicted of among other things of a felony involving dishonesty or a breach of trust. Oregon Administrative Rules (OAR) 836-071-0321(1) defines a felony involving dishonesty as including but not limited to any offense constituting or involving theft. On 4/20/07, in the Circuit Court of the State of Oregon for the County of Marion, in the criminal case *State v. Jose Alberto Olvera-Godinez*, case number 07C41049, Olvera-Godinez plead guilty to and was convicted of committing one count of the crime of robbery in the second degree, a

felony, pursuant to ORS 164.405. Olvera-Godinez committed the crime by engaging in the following conduct. On or about 5/27/06, Olvera-Godinez, at the age of 20, with and at the direction of Alain Jioset Becerra-Camacho (Becerra-Camacho), and with the intent of stealing some beer, drove to and entered a convenience store in Salem, Oregon. Olvera-Godinez and Becerra-Camacho each took possession of a case of beer. Olvera-Godinez left the convenience store without paying for the beer. Becerra-Camacho started to leave the store without paying for the beer when the convenience store clerk attempted to prevent Olvera-Godinez and Becerra-Camacho from stealing the beer. Becerra-Camacho pointed a handgun at the clerk and threatened to shoot the clerk. Olvera-Godinez and Becerra-Camacho returned to their vehicle and drove back to a residence. Subsequently, the police went to the residence and arrested Olvera-Godinez and Becerra-Camacho. The court sentenced Olvera-Godinez to three years of "zero tolerance" probation with certain special conditions, and ordered him to pay restitution for the beer in the amount of \$54 and a unitary assessment in the amount of \$107.

Failed to Notify Director of Change of Business Address

Olvera-Godinez is subject to enforcement action pursuant to ORS 744.068(4)(a) because of the following circumstances. ORS 744.068(4)(a) requires a person licensed in Oregon as an insurance producer to notify the director of any change of address or telephone number of any location at which the person transacts insurance business within 30 days of such change. On or about 5/27/06, Olvera-Godinez discontinued working as an insurance producer at American Family Insurance, 5305 River Road N Suite B, Keizer, OR 97303-5324. Olvera-Godinez did not notify the director of this change. On 1/15/07, Olvera-Godinez began working as an insurance producer at Garcia Insurance Group, Inc. dba Brooke Insurance JG (Brooke Insurance), 2680 Portland Road NE, Salem, OR 97301-0125. Olvera-Godinez did not notify the director of this change. On 12/28/07, Olvera-Godinez discontinued working at Brooke Insurance. On 2/4/08, Olvera-Godinez notified the director of this change.

Action

As consideration for the director not continuing to investigate and not taking enforcement action against Olvera-Godinez, Olvera-Godinez surrenders his Oregon resident insurance producer license effective on the date of this stipulation; and, if and until the conviction referred to herein above is expunged, shall not apply for any license authorized by ORS Chapter 744.

Dated April 23, 2008

/s/ Jose A. Olvera-Godinez
Jose A. Olvera-Godinez

FINAL ORDER

The director incorporates herein and adopts the above stipulation as the director's final decision in this proceeding, and orders that no enforcement action shall be taken.

Dated May 8, 2008

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

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