

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

In the Matter of **Joshua A. Sherburn**) **FINAL ORDER**
) Case No. INS 08-10-003

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 Joshua A. Sherburn (Sherburn).

On 11/5/08, 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.

The director did not receive from the party a request for a hearing and did not conduct a hearing.

The director finds that the record of this proceeding to date, including information in the designated portion of the Insurance Division's file and all materials submitted by the party if any, proves a *prima facie* case.

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

Findings of Fact and Conclusions of Law

Licensing Information

Sherburn has been licensed in Oregon as a resident insurance producer from 10/23/06. Sherburn's last recorded business address is located in Portland, Oregon.

Failed to Respond to Director's Inquiry

Sherburn is subject to enforcement action pursuant to ORS 731.296 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 731.296, requires a person who is licensed in Oregon in any capacity under the Insurance Code to promptly and truthfully respond to an inquiry from the director. On 11/30/06 the director received from Mark Gregory (Gregory), an insurance producer, a written communication dated 11/28/06 indicating that Gregory owned an insurance agency in Portland, Oregon, Sherburn was an employee of the agency, and that Gregory terminated Sherburn on 11/20/06. Gregory explained that “Sherburn was responsible for the daily deposits of the ... agency. The deposits were to be made daily. [Sherburn] notified the ... agency on [the] date of termination that five daily deposits were not made. According to [Sherburn] these deposit[s] were stolen from his auto. The dates of these deposits were from 11/3 to 11/17 [2006].” On 6/3/08, the director mailed a letter by certified mail to Sherburn at his last recorded residence address of 2345 NE Sandy Boulevard Apartment 30, Portland, OR 97232-3806 requesting certain information about his termination of employment at Gregory’s agency by 6/23/08. On 6/10//08, the director received the certified mail receipt signed by a person whose name is “Miranda Salmon” or similar name. The director did not receive any response from Sherburn.

Order

Pursuant to ORS 744.074(1), Sherburn’s Oregon resident individual insurance producer license is revoked on the date of this order.

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 December 9, 2008

/s/ Teresa D. Miller
Teresa D. Miller
Acting Administrator
Insurance Division
Department of Consumer and Business Services

//
//
//