

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

In the Matter of **Jeffrey R. O'Brien**) **FINAL ORDER**
) Case No. INS 08-12-011

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 Jeffrey R. O'Brien (O'Brien).

On 1/20/09, 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

O'Brien has been licensed in Oregon as a nonresident insurance producer since 8/9/07. O'Brien's last recorded residence address is located in Lynchburg, Virginia.

Administrative Action by Other State Insurance Regulator

O'Brien 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 who has applied for a license or is

licensed in Oregon as an insurance producer if another state insurance regulator canceled, revoked, suspended, or refused to renew, the person's license in that state as an insurance producer, adjuster or consultant.

On 10/17/07, the insurance regulator of the State of Wisconsin issued an order, number 07-C31117, refusing to issue for 31 days until 11/17/07 a nonresident insurance producer license to O'Brien because O'Brien violated Wisconsin Administrative Code (W.A.C.) §Ins. 6.59(5)(d)(1) by failing to disclose on O'Brien's application for a Wisconsin nonresident insurance producer an administrative action by another state insurance regulator against O'Brien; and Wisconsin Statutes §601.42(1g)(a) by "not respond[ing] to previous written requests for information from the [regulator] regarding [O'Brien's] application and [O'Brien] failed to notify the [regulator] of [his] new address."

On 2/13/08, the insurance regulator for the State of Kansas issued an order, number 3756-SO, revoking O'Brien's Kansas nonresident insurance producer license because O'Brien violated Kansas Statutes Annotated (K.S.A) §40-4909(a)(2)(C) by violating the law of another state by being assessed a monetary penalty by the insurance regulator of the State of Alabama on 9/7/07 "for [making a] misstatement on [an] application;" and O'Brien violated K.S.A. §40-4909(a)(2)(A) and Kansas Administrative Regulations §40-7-9(a) by failing to timely notify the regulator of an administrative action by another state insurance regulator against O'Brien.

On 9/17/08, the insurance regulator for the State of Utah issued an order, docket number 2008-099-LC and enforcement case number 2175, revoking O'Brien's Utah nonresident insurance producer license because O'Brien violated Utah Code Annotated (U.C.A.) §31A-23a-105(2)(b)(i)(A) by failing to timely notify the regulator of an administrative action by another state insurance regulator against O'Brien, and U.C.A. §31A-2-202(4) by failing to respond to an inquiry from the regulator.

Failed to Report Administrative Action by Other State Insurance Regulator

O'Brien is subject to enforcement action pursuant to ORS 744.089(1) because of the following circumstances. ORS 744.074(1)(b) permits the director to take any authorized administrative 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. ORS 744.089(1), an insurance statute, requires a person who is licensed in Oregon as an insurance producer to notify the director of any administrative action taken against the person by another state insurance regulator and provide a copy of the order within 30 days of the final disposition of the action.

On 10/17/07, the insurance regulator of the State of Wisconsin issued an order, number 07-C31117, refusing to issue for 31 days until 11/17/07 a nonresident insurance producer license to O'Brien because O'Brien violated W.A.C. §Ins. 6.59(5)(d)(1) by failing to disclose on O'Brien's application for a Wisconsin nonresident insurance producer an administrative action by another state insurance regulator against O'Brien; and Wisconsin Statutes §601.42(1g)(a) by "not respond[ing] to previous written requests for information from the [regulator] regarding [O'Brien's] application and [O'Brien] failed to notify the [regulator] of [his] new address." The action was finally disposed of on 12/3/07 pursuant to Wisconsin Statutes §808.08(4)(1). O'Brien was required to notify the director of the action and provide a copy of the order by 1/2/08. O'Brien has not notified the director of the action or provided a copy of the order. O'Brien has not notified the director of the action or provided a copy of the order.

On 2/13/08, the insurance regulator for the State of Kansas issued an order, number 3756-SO, revoking O'Brien's Kansas nonresident insurance producer license. The action was finally disposed of on 3/14/08 pursuant to K.S.A §77-613(b) & (e). O'Brien was required to notify the director of the action and provide a copy of the order by 4/14/08. O'Brien has not notified the director of the action or provided a copy of the order.

On 9/17/08, the insurance regulator for the State of Utah issued an order, docket number 2008-099-LC and enforcement case number 2175, revoking O'Brien's Utah nonresident insurance producer license. The action was finally disposed of on 10/17/08 pursuant to U.C.A. §63G-4-401(3)(a). O'Brien was required to notify the director of the

action and provide a copy of the order by 11/17/08. O'Brien has not notified the director of the action or provided a copy of the order.

Failed to Respond to Director's Inquiry

O'Brien 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. ORS 731.296, an insurance statute, 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 11/18/08, the director mailed a letter by certified mail to O'Brien at his last recorded residence address of 33 Old Plantation Drive #1A, Lynchburg, VA 24502-6960 requesting certain information by 12/9/08. The director did not receive any response from O'Brien.

Order

Pursuant to ORS 744.074(1), O'Brien's Oregon nonresident 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.

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Dated February 23, 2009

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

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