



voided checks which purported to enable IDS to automatically withdraw premium payments from the applicant's account at a financial institution, purchasing with Clarkson's own funds, money orders to pay part of the initial premium, and submitting to IDS the documents, voided checks, and money orders, which Clarkson knew contained false information, and receiving from IDS commissions for the fictitious transactions.

Failed to Timely Respond to Director's Inquiry

Clarkson 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 6/11/07, the Insurance Division received from Florence E. Marcus (Marcus) of Eugene, Oregon, a complaint that Clarkson recommended Marcus purchase an annuity causing Marcus to incur some unnecessary expenses. On 8/18/08, the Insurance Division sent by certified mail a letter to Clarkson at his last recorded residence mailing address of 99 Horn Lane, Eugene, OR 97404-2969, requesting Clarkson provide certain additional information about the complaint to the Insurance Division by 9/10/08. The letter was returned to the Insurance Division marked unclaimed and unable to forward, but indicated that Clarkson had moved to PO Box 41542, Eugene, OR 97404-0369. On 9/17/08, the Insurance Division sent by certified mail a letter dated 9/16/08 to Clarkson at PO Box 41542 Eugene, OR 97404-0369, enclosing the Insurance Division's letter dated 8/18/08, and requesting Clarkson respond to the letter dated 8/18/08 by 9/30/08. On 9/30/08 Clarkson received the letter. However, Clarkson did not respond to any of the letters.

Failed to Notify Director of Change of Residence Address

Clarkson is subject to enforcement pursuant to ORS 744.068(4)(c) 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 744.068(4)(c) requires a person licensed in Oregon as a resident insurance producer to notify the director of any change of address or telephone number of the person's residence in Oregon within 30 days of such change. On 5/31/08, Clarkson moved his residence from 99 Horn Lane, Eugene, OR to 97404-2968 to PO Box 41542 Eugene, OR 97404-0369. Thus, Clarkson was required to notify the director of the change by 6/30/08. However, Clarkson never notified the director of the change. On 9/23/08, during its investigation of Marcus' complaint, the Insurance Division discovered that Clarkson had moved when the Insurance Division's letter to Clarkson dated 8/18/08 was returned to the Insurance Division marked unclaimed and unable to forward.

### **Action**

Pursuant to ORS 744.074(1), Clarkson's expired<sup>1</sup> Oregon resident insurance producer license is revoked on the date of the final order.

Dated April 7, 2009

/s/ Patrick V. Clarkson  
Patrick V. Clarkson

### **FINAL ORDER**

The director incorporates herein the above stipulation, adopts it as the director's final decision in this proceeding, and orders that the action stated therein be taken.

Dated April 20, 2009

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

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<sup>1</sup> ORS 744.011 permits the director to investigate and take enforcement action against a person who was licensed in Oregon as an insurance producer but is no longer licensed because the license expired or was surrendered.