

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

In the Matter of **Craig K. Taliaferro**) **FINAL ORDER**
) Case No. INS 09-06-005

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 Craig K. Taliaferro (Taliaferro).

On 7/2/09, the director issued a notice of proposed action informing the party that the director proposed to take enforcement action against the party.

On 11/19/09, the director issued an amended notice of proposed action informing the party that the director proposed to take enforcement action against the party, the party was entitled to a hearing pursuant to ORS 183.415, and if the party wanted a hearing then the party had to send to the director a written request for a hearing so that the director received it by 12/10/09.

On 12/2/09, the director received by fax from the party a letter dated 12/2/09 requesting a hearing.

On 12/3/09, the director referred the party's request for a hearing to the Office of Administrative Hearings (OAH).

On 4/29/10, OAH scheduled a hearing to be conducted on 7/28/10 and 7/29/10, and mailed to the party a written notice informing the party of the date, time and place of the hearing.

On 7/28/10 and 7/29/10, OAH conducted a hearing. The hearing was conducted by Rick Barber, an administrative law judge of OAH. The director, by and through the Insurance Division, appeared and was represented at the hearing by Judith K. Anderson, an Assistant Attorney General. The Insurance Division called Linda Brown, Teresa Haines, Doris Hale, Dale White, Rebecca Flores and John Hardiman as its witnesses. The Insurance Division offered Exhibits A1 to A20 and

A24 to A26 as its documentary evidence all of which were admitted into the record. The party appeared and represented himself at the hearing. The party did not call any witnesses at the hearing. The party offered Exhibit L1 as his documentary evidence which was admitted into the record.

On 8/25/10, OAH issued a proposed order. The proposed order found that the party committed all of the violations alleged, and recommended that the director take the action proposed, in the amended notice of proposed action.¹ The proposed order informed the party that they could file with the director written exceptions to the proposed order within 30 days after the proposed order was sent to the party.

The director did not receive from the party or Insurance Division any exceptions to the proposed order.

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

Findings of Fact, Conclusions of Law and Opinion

The director adopts, and incorporates herein by this reference, the findings of fact, conclusions of law, and reasoning of proposed order as the findings of fact, conclusions of law, and reasoning of this final order.

¹ The proposed order recommended that the director take the proposed action “with one caveat. Licensee testified that he was told he was informally suspended by a Division representative ..., and [Licensee] voluntarily did no insurance work for the period of one month as a result. [Footnote omitted]. If Licensee has provided sufficient evidence to the Division to show that he voluntarily served a one month suspension ..., then the Division should give him credit for that period of suspension and reduce the suspension accordingly.” On 9/29/10, the director sent a letter to the party giving the party until 10/29/10 to provide certain evidence that the party did not transact insurance from 8/1/09 to 8/31/09. In the letter, the director said, in part, “[i]f we receive all of the above information by the due date, then we will consider reducing the period of suspension. However, if we do not receive all of the above information by the due date for any reason, then we will issue a final order suspending your license for 120 days.” On 10/27/10, the director sent an e-mail to the party saying “Just a reminder that if you want us to consider reducing the period of suspension then we must by 10/29/10 all of the information described in our attached letter dated 9/28/10.” On 10/27/10, the party sent an e-mail to the director saying “Well it appears that I did make some phone calls for a couple of clients, while I did not solicit, write or pursue any new business. I am guilty of servicing a few clients during that month IE: changed checking account for one client and helped another decipher some unpaid bills I did not have any appointments and did not see any clients. it appears these actions are outside the definition of (no insurance activity) so go ahead and do what you will, let your conscience be your guide. Have a great day.” (Capitalization in original). The party did not provide any of the information requested. Therefore, the director declines to consider reducing the period of suspension.

Order

Pursuant to ORS 744.074(1), Taliaferro’s Oregon resident individual insurance producer license is suspended for 120 days from 11/8/10 to 3/8/11.

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 by delivering or mailing it to the Insurance Division at Labor and Industries Building, 350 Winter Street NE Room 300, Salem, Oregon 97301-3880; or mailing it to PO Box 14480, Salem, OR 97309-0405; or faxing it to 503-378-4351; or e-mailing it to mitchel.d.curzon@state.or.us.

Dated November 3, 2010

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

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