

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

In the Matter of **Page M. Castro**

) **FINAL ORDER**

) Case No. INS 09-12-002

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 Page M. Castro (Castro).

On 12/9/09, the director issued a notice of proposed action informing 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 also informed the party that if a hearing was not conducted then the designated portion of the Insurance Division's file and all materials submitted by the party 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 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

Castro was licensed in Oregon as a nonresident individual insurance producer from 10/28/03 to 10/31/07. On 10/31/07, Castro's license expired. Castro's last recorded residence address was located in Ukiah.

Convicted of Crime

Castro is subject to enforcement action pursuant to ORS 744.074(1)(f) because of the following circumstances. ORS 744.074(1)(f) 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 was convicted of a misdemeanor involving dishonesty or breach of trust, a felony, or an offense punishable by death or imprisonment under the laws of the United States. On 3/3/09, Castro was convicted, based on a plea of no contest, by the Superior Court of the State of California for the County of Del Norte, in the criminal case *The People of the State of California v. Page Castro*, case number CR-F-08-9075, of committing one count of the crime of embezzlement by grand theft, a misdemeanor, pursuant to Sections 503 and 487 of the California penal code. According to the 2nd Amended Complaint dated 9/15/08, Castro committed the crime by “[o]n or about and through the year 2003, ...Castro ... willfully, unlawfully and fraudulently appropriate[d] cash exceeding four hundred dollars (\$400.00) that was entrusted to her by her employer and did use said money to her own purpose.” The court ordered Castro, among other things, to pay restitution of \$5,000.

Used a Fraudulent, Coercive, or Dishonest Practice in Business

Castro is subject to enforcement action pursuant to ORS 744.074(1)(h) because of the following circumstances. ORS 744.074(1)(h) 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 used fraudulent, coercive or dishonest practices, or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere. Castro used a fraudulent practice in the conduct of business by engaging in the conduct described above.

Administrative Action by Other State Insurance Regulator

Castro 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 8/14/09, the insurance regulator for the State of California issued an order, number HQ-41340, revoking

Castro's California resident insurance producer license effective on 9/13/09. The insurance regulator took the action because Castro, among other things, engaged in a fraudulent practice or act, shown incompetence or untrustworthiness in the conduct of business, and misrepresented the terms or effect of an insurance policy, as more particularly described in an administrative Accusation dated 6/18/09.

Order

Pursuant to ORS 744.074(1), Castro's expired Oregon nonresident individual insurance producer license is revoked on the date of this order.¹

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 it to the 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 1/7/10

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

¹ 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.