

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

In the Matter of **Tera D. Gardner**

) **FINAL ORDER**  
) Case No. INS 09-12-007

**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 Tera D. Gardner (Gardner).

On 12/11/09, 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

Gardner was licensed in Oregon as a resident individual insurance producer from 4/27/07 to 8/31/09. On 8/31/09, Gardner's license expired. Gardner's last recorded residence address was located in Damascus, Oregon and business address was located in Vancouver, Washington.

Administrative Action by Other State Insurance Regulator

Gardner 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 6/5/09, the insurance regulator for the State of Washington issued an order, number 09-0077, revoking Gardner's Washington nonresident insurance producer license effective 6/25/09 if Gardner did not request a hearing by 9/3/09. Gardner did not request a hearing. The insurance regulator took the action because Gardner violated nine provisions of the Washington Insurance Code as described in the order.

**Order**

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

**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](mailto:mitchel.d.curzon@state.or.us).

Dated 1/20/10

/s/ Teresa D. Miller  
Teresa D. Miller  
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.