

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

In the Matter of **Joseph B. Paradiso**) **FINAL ORDER**
) Case No. INS 11-03-002

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 Joseph B. Paradiso (Paradiso).

On 3/16/11, the director issued a 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 4/6/11. 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

Paradiso has been licensed in Oregon as a resident individual insurance producer from 11/08/04 to 11/30/06 and from 10/29/08 to 3/31/11. Paradiso's license expired on 3/31/11. Paradiso's license number is 739778, and NAIC national producer number is 8281123. Paradiso's last recorded residence address is 491 NW 4th Street, Canby, OR 97013-3506; and residence telephone number is 503-951-8070.

Paradiso's current residence address is 1958 North Country Club Drive, Canby, OR 97013-2348. Paradiso's last recorded business address is Aflac, 6830 SW Atlanta Street Suite 120, Portland, OR 97223-2522; business telephone number is 503-601-5891; and business e-mail address is nicholas_jensen@aflac.com.

Failed to Respond to Director's Inquiry

Paradiso 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 5/19/09, the director received from American Family Life Assurance Company of Columbus (Aflac) a letter dated 5/12/09 stating in relevant part that Aflac investigated Paradiso and found that "he established a bogus group and submitted bogus business. He also refused to cooperate with the fraud investigation. His agreement and appointment to represent Aflac were terminated on May 6, 2009." On 12/28/10, the director mailed by certified mail a letter dated 12/28/10 to Paradiso at his last recorded residence address of 491 NW 4th Street, Canby, OR 97013-3506. The letter requested Paradiso to provide certain information about Aflac's allegations to the director by 1/18/11 certain information about Aflac's allegations. On 12/29/10, a person purporting to be Makiya Berge received and signed for the letter. On 1/5/11, the director received by return mail the letter that had been received. The envelope was marked "Return" and "Refused." The director has not received any response from Paradiso.

Order

Pursuant to ORS 744.074(1), Paradiso's expired Oregon resident individual 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 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 April 18, 2011

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

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