

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

In the Matter of **John H. Hawkins**

) **FINAL ORDER**
) Case No. INS 11-05-008

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 John H. Hawkins (Hawkins).

On 6/15/11, 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 7/6/11. 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

Hawkins has been licensed in Oregon as a resident individual insurance producer from 9/2/05 to 9/30/09 and since 11/12/09. Hawkins' license is scheduled to expire on 9/30/11. Hawkins' license number is 689444, and NAIC national producer number is 8527339. Hawkins' last recorded residence address is 13717 NW 2nd Avenue Apartment 73, Vancouver, WA, 98685-1901; and residence telephone number is 360-448-7733. Hawkins' last recorded business address is Hawkins & Jensen Benefits

Group, Inc. dba The Integrity Group NW, 12420 SW Summercrest Drive, Portland, OR, 97223-3249; and business telephone number is 503-341-8195.¹

Convicted of Crime and

Convicted of Felony Involving Dishonesty or Breach of Trust

Hawkins is subject to enforcement action pursuant to ORS 744.074(1)(f) and ORS 731.428(4) 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. ORS 731.428(4) requires the director to revoke, suspend, or refuse to renew, the Oregon insurance producer license issued to a person who was convicted of, among other things, a felony involving dishonesty or a breach of trust. Oregon Administrative Rules (OAR) 836-071-0321(1) defines a felony involving dishonesty as “includ[ing] but not limited to any offense constituting or involving theft, burglary, perjury, bribery, forgery, counterfeiting, a false or misleading oral or written statement, deception, fraud, a scheme or artifice to deceive or defraud, a material misrepresentation or the failure to disclose material facts.” On 8/6/10, in the Superior Court for the State of Washington in and for the County of Clark, in the criminal case *State v. John Henry Hawkins*, case number 10-1-01263-0 (VPD 10-8200), Hawkins was charged with committing the following two crimes. Hawkins was charged with one count of the crime of identify theft in the first degree, a felony, pursuant to Revised Code of Washington (RCW) §9.35.020(2). Hawkins committed the crime by, “in the County of Clark, State of Washington, between November 27, 2009, and March 17, 2010, did knowingly use a means of identification or financial information, of another person, to-wit: Pauline Graham, with the intent to commit or to aid the commission of any crime and [Hawkins] or an accomplice uses said person’s means or identification or financial information to obtain an aggregate total of credit, money, goods, services, or anything else of value in excess of \$1,500 in value.” Hawkins was also charged with one count of

¹ Hawkins & Jensen Benefits Group, Inc. dba The Integrity Group NW’s Oregon resident business entity insurance producer license expired on 2/28/09.

the crime of possession of stolen property in the second degree, a felony, pursuant to RCW §9A.56.140(1) and RCW §9A.56.160(1)(a). Hawkins committed the crime by, “in the County of Clark, State of Washington, on or about March 17, 2010, did knowingly receive, retain, possess, conceal, or dispose of stolen property, to-wit: a Blu-Ray player and television, of a value in excess of \$750 but not exceeding \$5000, belonging to Best Buy, knowing that it had been stolen and did withhold or appropriate the property to the use of a person other than the true owner or person entitled thereto.” On 11/18/10, Hawkins appeared before the court to respond to the charges, and plead guilty to both crimes. On 1/4/11, Hawkins was convicted of both crimes.

Administrative Action by Other State Insurance Regulator

Hawkins 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 9/22/10, the insurance regulator for the State of Washington issued an order, number 10-0179, summarily suspending and revoking effective 9/27/10 Hawkins’ Washington nonresident individual insurance producer license pursuant to RCW §48.17.540(3) for violating RCW §48.17.530(1)(g) and (h) by being charged with certain crimes, two of which are described above.

Failed to Report Administrative Action by Other State Insurance Regulator

Hawkins is subject to enforcement action pursuant to ORS 744.089(1) because of the following circumstances. ORS 744.074(1)(b) permits the director to take any authorized administrative 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 744.089(1) requires a person who is licensed in Oregon as an insurance producer to notify the director of any administrative action taken against the person by another state insurance regulator and provide a copy of the order within 30 days of the final disposition of the action. As described above, on 9/22/10, the insurance regulator for the State of Washington issued an order suspending and revoking Hawkins’ Washington

nonresident individual insurance producer license. On 12/22/10, the action was finally disposed of. Hawkins was required to notify the director of the action and provide a copy of the order by 1/21/11. Hawkins has not notified the director of the action or provided a copy of the order.

Failed to Report Criminal Action

Hawkins is subject to enforcement action pursuant to ORS 744.089(2) 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 744.089(2) requires a person who is licensed in Oregon as an insurance producer to notify the director of any criminal prosecution of the person; and provide a copy of the initial complaint, order resulting from the hearing and any other relevant legal documents, within 30 days of the pretrial hearing. As described above, on 11/18/10, Hawkins appeared before a court to respond to criminal charges, and plead guilty to the crimes. Hawkins was required to notify the director of the criminal action, and provide a copy of the specified documents, by 12/20/10. Hawkins has not notified the director of the action or provided a copy of the specified documents.

Failed to Respond to Director's Inquiry

Hawkins 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 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 4/4/11, the director sent by certified mail a letter dated 4/4/11 to Hawkins at his last recorded residence mailing address of 13717 NW 2nd Avenue Apartment 73, Vancouver, WA, 98685-1901. The letter requested Hawkins to provide to the director certain information about the criminal proceeding described above, by 5/3/11. On 4/7/11, Hawkins received the letter. On 4/7/11, Hawkins telephoned the director,

answered some questions, and said he would respond to the letter and provide copies of certain requested documents by 5/3/11. The director has not received any further response from Hawkins.

Order

Pursuant to ORS 744.074(1), Hawkins' 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 July 12, 2011

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

//
//
//