

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

In the Matter of **Tiffany L. Lewis**

) **FINAL ORDER**

) Case No. INS 11-06-002

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 Tiffany L. Lewis (Lewis).

On 7/12/11, 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 8/2/11. 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

Lewis has been licensed in Oregon as a nonresident individual insurance producer since 10/5/10. Lewis' license number is 765678, and NAIC national producer number is 10166213. Lewis' last recorded residence address is Pro Pack Mail & Parcel Center, 615 East Abram Street Suite D Mail Box 127, Arlington, TX 76010-1263; and residence telephone number is 817-822-5638. Lewis' last recorded

business address is The Lewis Firm, 221 Bedford Road Suite 315, Bedford, TX 76022-6251; and business telephone number is 972-868-0245.

Administrative Action by Other State Agency

Lewis is subject to enforcement action pursuant to ORS 744.074(1)(j) because of the following circumstances. ORS 744.074(1)(j) 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 a federal or state government agency canceled, revoked, suspended, or refused to renew, the person's authority to practice law or to practice under any other regulatory authority if the action was related to the business of an insurance adjuster, consultant or producer; or the misconduct involved dishonesty, fraud, or deception. On 4/12/05, the State Bar of Texas, case numbers D0120322897 and D0110322672, issued an order disbaring Lewis from practice of law in the state of Texas.

Convicted of Crime and

Convicted of Felony Involving Dishonesty or Breach of Trust

Lewis 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 9/15/09, in the Criminal District Court Number Three, Tarrant County, Texas, in the criminal

case *State v. Tiffany Lynn Lewis*, case number 1171316R, Lewis was convicted, based on a plea of guilty, of committing one count of the crime of misapplication of fiduciary property valued between \$20,000 and \$100,000, a felony, pursuant to Texas Penal Code §32.45(c)(5). According to the Indictment dated 9/2/09, Lewis committed the crime by “pursuant to one scheme and continuing course of conduct, [Lewis did] intentionally or knowingly misapply property that [Lewis] held as a fiduciary, by being a person acting in a fiduciary capacity who was not a commercial bailee and by dealing with the property contrary to an agreement under which [Lewis] held the property and said property was held in a manner that involved substantial risk of loss of the property to Cassandra Nemons, the owner of the property, to wit: money, of the value of more than \$20,000 but less than \$100,000, on the following dates and in the following amounts:” The dates were from 7/23/03 to 12/2/03 and the amounts totaled \$67,876.53.

Provided Incorrect Information on Insurance License Application

Lewis is subject to enforcement action pursuant to ORS 744.074(1)(a) because of the following circumstances. ORS 744.074(1)(a) 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 provided to the director incorrect, misleading, incomplete or materially untrue information on an Oregon insurance producer license application. On 10/5/10, the director received electronically from the National Insurance Producer Registry (NIPR) on behalf of Lewis an Oregon nonresident insurance producer license application. On the application, Lewis incorrectly answered questions 1 and 2. Lewis answered “No” to question 1 which asked “Have you ever been convicted of a crime...?” Lewis’ answer was incorrect because Lewis was convicted of a crime on 9/15/09 as referred to above. Also Lewis answered “No” to question 2 which asked “Have you ever been named or involved as a party in an administrative proceeding regarding any professional or occupational license or registration?” Lewis’ answer was incorrect because Lewis was disbarred on 4/12/05 as referred to above.

Failed to Respond to Director's Inquiry

Lewis 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 5/18/11, the director received by fax from the Texas Department of Insurance information that Lewis had been convicted of a crime as referred to above. On 5/19/11, the director mailed by certified and first class mail a letter dated 5/19/11 to Lewis at her last recorded residence address of Pro Pack Mail & Parcel Center, 615 East Abram Street Suite D Mail Box 127, Arlington, TX 76010-1263. The letter requested Lewis to provide to the director by 6/10/11 certain information about her Oregon insurance producer license application referred to above. On or about 5/23/11, a person purporting to be "E R Bell" signed for and received the letter. The director has not received any response from Lewis.

Order

Pursuant to ORS 744.074(1), Lewis' Oregon nonresident 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 August 10, 2011

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

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