

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

In the Matter of **Daniel R. Robinson**) **FINAL ORDER**
) Case No. INS 11-09-005

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 Daniel R. Robinson (Robinson).

On 10/3/11, 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 10/24/11. 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

Robinson has been licensed in Oregon as a resident individual insurance producer since 12/15/08. Robinson's license is scheduled to expire on 10/31/11. Robinson's license number is 741734, and NAIC national producer number is 12096481. Robinson's last recorded residence address is 7 Betty Court, Petaluma, CA 94952-2227; and telephone number is 707-971-9670. However, as indicated

below, Robinson's current residence address may be 3500 Data Drive Apartment 420, Rancho Cordova, CA 95670-7931. Robinson's last recorded principal place of business street address is Lee Insurance Agency, 422 Petaluma Boulevard North Suite B, Petaluma, CA 94952-3823; and telephone number is 707-780-4560.

Convicted of Crime

Robinson 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 9/15/03, Robinson was convicted, based on a plea *in absentia* of *nolo contendere*, by the Placer County Superior Court, State of California, in the criminal case *The People of the State of California v. Daniel Robert Robinson*, case number 62-32636, of committing one count of the crime of resisting an executive officer in the performance of his duty, a misdemeanor, pursuant to California Penal Code §69.

Provided Incorrect, Misleading, Incomplete or Materially Untrue Information on Insurance License Application

Robinson 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 10/23/08, the director received electronically from the National Insurance Producer Registry (NIPR) on behalf of Robinson an Oregon resident insurance producer license application. On the application, Robinson answered "No" to question 1 which asked "[h]ave you ever been convicted of a crime, had a judgement [sic] withheld or deferred, or are you currently charged with committing a crime?" Robinson's answer was false because Robinson had been convicted of the crime described above.

Administrative Action by Other State Insurance Regulator

Robinson 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 2/4/11, the insurance regulator for the State of California issued an order, number LBB 6401-AP (AR), based on a stipulation, called a Special Notice of Defense, signed by Robinson and dated 1/6/11, refusing to issue to Robinson an unrestricted California nonresident insurance producer license to act as a property and casualty broker and agent pursuant to California Insurance Code §1668, but authorizing issuing a restricted California nonresident insurance producer license to act as a property and casualty broker and agent pursuant to California Insurance Code §1742, and assessing Robinson a civil penalty of \$500.00 and the regulator's investigation costs of \$376.00. The insurance regulator took the action because, *inter alia*, Robinson violated California Insurance Code §1668(h) by failing to disclose on his California insurance producer license application, filed on 11/26/09, that he had been convicted of the crime described above.

On 5/19/11, the insurance regulator for the State of California issued an order, number LBB 6401-BP (AR), summarily, pursuant to California Insurance Code §1669(c) refusing to issue to Robinson an unrestricted California nonresident insurance producer license to act as a life and health agent pursuant to the California Insurance Code §1668, but authorizing issuing a restricted California nonresident insurance producer license to act as a life and health agent pursuant to California Insurance Code §1742, indefinitely subject to the express condition that Robinson comply with the laws of each applicable jurisdiction. The insurance regulator took the action because Robinson violated California Insurance Code §1668(h) by failing to disclose on his California insurance producer license application, filed on 11/26/09, that he had been convicted of the crime described

above; and the regulator had taken the administrative action dated 2/4/11 described above.

On 6/14/11, the insurance regulator for the State of Virginia issued an order, number 2011-00133, revoking Robinson's Virginia nonresident insurance producer license pursuant to Code of Virginia §38.2-1831(1) and (2). The insurance regulator took the action because Robinson violated Code of Virginia §38.2-1831(1) by failing to disclose on his Virginia insurance producer license application that he had been convicted of the crime described above, and violated Code of Virginia §38.2-1826(c) by failing to report to the insurance regulator that the insurance regulator for the State of California had taken the administrative action dated 2/4/11 described above.

Failed to Report Administrative Action by Other State Insurance Regulator

Robinson 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 by another state insurance regulator against the person and provide a copy of the order within 30 days of the final disposition of the action.

On 2/4/11, the insurance regulator for the State of California issued an order taking the administrative action described above. Robinson signed a stipulation, called a Special Notice of Defense dated 1/6/11, *inter alia*, waving his right to a hearing and to judicial review of the order. Thus, the action was finally disposed of on 2/4/11. Robinson was required to notify the director of the action and provide a copy of the order by 3/7/11. On 4/19/11, 43 days late, the director received electronically from NIPR on behalf of Robinson a notice notifying the director of the action and providing a copy of the order.

On 5/19/11, the insurance regulator for the State of California issued an order taking the administrative action described above. The action was finally disposed of at least by 7/18/11 pursuant to California Government Code §§11521 and 11523. Robinson was required to notify the director of the action and provide a copy of the order by 8/17/11. Robinson has not notified the director of the action or provided a copy of the order.

On 6/14/11, the insurance regulator for the State of Virginia issued an order taking the administrative action described above. The action was finally disposed of on 7/14/11 pursuant to Code of Virginia §2.2-4026 and Rules of Supreme Court of Virginia §5.21(a)(3). Robinson was required to notify the director of the action and provide a copy of the order by 8/15/11. Robinson has not notified the director of the action or provided a copy of the order.

Failed to Respond to Director's Inquiry

Robinson 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 5/11/11, the director received by fax from Robinson a change of address form indicating that Robinson's residence address was 7 Betty Court, Petaluma, CA 94952-2227 and business address was Lee Insurance Agency, 422 Petaluma Boulevard North Suite B, Petaluma, CA 94952-3823. On 6/23/11, the director mailed by certified mail a letter dated 6/23/11 to Robinson at his last recorded business address of Lee Insurance Agency, 422 Petaluma Boulevard North Suite B, Petaluma, CA 94952-3823. The letter requested Robinson to provide to the director by 7/14/11 certain information about Robinson's conviction and administrative actions described above. On 6/27/11, the letter was claimed by a person using the name "Julie Kelly." The director did not receive from Robinson

any response to the director's letter dated 6/23/11. On 8/16/11, the director mailed by certified mail a follow up letter dated 8/16/11 to Robinson at his last recorded residence address of 7 Betty Court, Petaluma, CA 94952-2227. The letter was unclaimed. On 10/18/11, the director received the unclaimed letter. On the envelope, the US Postal Service affixed a label dated 8/16/11 indicating that Robinson had moved to 3500 Data Drive Apartment 420, Rancho Cordova, CA 95670-7931. The director did not receive from Robinson any response to the director's letter dated 8/16/11.

Order

Pursuant to ORS 744.074(1), Robinson's 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 October 28, 2011

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