

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

In the Matter of **J. Timothy Horst**) **FINAL ORDER**
) Case No. INS 11-12-004

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 J. Timothy Horst (Horst).

On 12/19/11, 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 1/9/12. 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.¹

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

Horst has been licensed in Oregon as a resident individual insurance producer since 9/15/08. Horst's license is scheduled to expire on 9/30/12. Horst's license

¹ On 12/27/11, Horst sent an e-mail to the director saying that "I will not be requesting a hearing in this case."

number is 737864, and NAIC national producer number is 11466388. Horst's last recorded residence and business address is 6518 SW Firlock Way Apartment 1, Portland, OR 97223-7947; and telephone number is 503-740-6925.

Failed to Pay Civil Penalty Assessed by Director

Horst is subject to enforcement action pursuant to ORS 744.074(1)(o) because of the following circumstances. ORS 744.074(1)(o) permits the director to take any authorized action against a person if the person fails to pay a civil penalty assessed by the director that has become final by operation of law or upon appeal. On 10/4/11, the director issued a final order, case number INS 11-02-001, assessing Horst a civil penalty of \$3,400.00 pursuant to ORS 731.988 for engaging in the following misconduct. Horst violated ORS 744.074(1)(k) by, in February 2010, forging the names of two persons eight times on or relative to two applications for life insurance. Horst also violated ORS 746.100 by, on or about 2/22/10, misrepresented in an agent's report relative to the application for one of the persons referred to above that he had "reviewed the photo identification of the person(s) seeking to open this policy and verified that person seeking to open this policy is the same person in the documents reviewed." Horst also violated ORS 744.068(4)(a) by changing his business addresses three times in August 2009, March 2010, and December 2010, but notified the Insurance Division of the change only when the Insurance Division asked him about his past residence and business addresses during an investigation. Horst also violated ORS 744.068(4)(c) by changing his residence address once in September 2009 but notified the Insurance Division of the change only when the Insurance Division asked him about his past residence and business addresses during an investigation. The civil penalty was due by 12/14/11 pursuant to ORS 183.745 unless Horst timely appealed the order. Horst did not appeal the order. Horst did not pay the civil penalty.

Order

Pursuant to ORS 744.074(1), Horst'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 January 18, 2012

/s/ Louis Savage
Louis Savage
Acting Administrator
Insurance Division
Department of Consumer and Business Services

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