

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

In the Matter of **Aimee M. Hess**

) **FINAL ORDER**

) Case No. INS 12-07-004

**History of the Proceeding**

The Director of the Oregon Department of Consumer and Business Services (director), by and through the Insurance Division, commenced this administrative proceeding, pursuant to Oregon Revised Statutes (ORS) 731.256, to take enforcement action against Aimee M. Hess (Hess).

On 8/22/12, 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 9/12/12. 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.

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

Hess has been licensed in Oregon as a resident individual insurance producer from 2/2/04 to 8/31/12. Hess' license expired on 8/31/12. Hess' license number is 628749, and NAIC national producer number is 6261715. Hess' last recorded residence is 2426 Hawkins Street, Klamath Falls, OR 97601-1925; and telephone

number is 541-281-5598. Hess' last recorded principal place of business is 2358 Shasta Way, Klamath Falls, OR 97601-4352; and telephone number is 541-884-6265.

However, as indicated below, the director has reason to believe that Hess moved from 2426 Hawkins Street, Klamath Falls, OR 97601-1925 to 1709 SE Linn Street Apartment 1, Portland, OR 97202-7304 in November 2011, and has not worked at 2358 Shasta Way, Klamath Falls, OR 97601-4352 since 6/13/11.

Misappropriated Money or Property Received in Course of Insurance Business]

Hess is subject to enforcement action pursuant to ORS 744.074(1)(d) because of the following circumstances. ORS 744.074(1)(d) 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 improperly withheld, misappropriated, or converted, any moneys or properties received by the person in the course of doing insurance business. At all relevant times, Hess was employed by Deborah J. Thompson (Thompson), another insurance producer, in Klamath Falls, Oregon. On 3/2/11, Hess used a person's premium payment to pay a different person's premium.

Used a Dishonest Practice in Business

Hess is subject to enforcement action pursuant to ORS 744.074(1)(h) because of the following circumstances. ORS 744.074(1)(h) 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 used a fraudulent, coercive, or dishonest practice, or demonstrated incompetence, untrustworthiness or financial irresponsibility in the conduct of business in Oregon or elsewhere. Hess used a dishonest practice in the conduct of insurance business in Oregon. At all relevant times, Hess was employed by Thompson. On 3/4/11, Hess, received from a person a payment of insurance premium, gave the person a receipt, and entered the payment into a computerized premium payment record, but then deleted the payment from the record. When Thompson asked Hess about why Hess deleted one

of the payments, Hess falsely told Thompson that the person decided not to pay the premium and retrieved from Hess the payment.

Failed to Account for Insurance Premium

Hess is subject to enforcement action pursuant to ORS 744.083(1) because of the following circumstances. ORS 744.083(1) requires a person that is licensed in Oregon as an insurance producer to account for and maintain in a trust account all premium received by the person. At all relevant times, Hess was employed by Thompson. During the week of 2/7/11, and on 3/4/11, Hess, or another person under Hess' direction, received six insurance premium payments, and entered the payments into a computerized premium payment record, but then deleted, or instructed the other person to delete, the payments thereby failing to account for the payments.

Failed to Notify Director of Change of Business and Residence Address

Hess is subject to enforcement action pursuant to ORS 744.068(4)(a) & (c) because of the following circumstances. ORS 744.068(4)(a) requires a person licensed in Oregon as an insurance producer to notify the director of a change of address or telephone number of the principal place of business or any location at which the insurance producer transacts business not later than the 30<sup>th</sup> day after the date of the change. ORS 744.068(4)(c) requires an insurance producer licensed in Oregon as a resident insurance producer to notify the director of a change in residence address not later than the 30<sup>th</sup> day after the date of the change. On 6/13/11, Thompson terminated Hess for allegedly misappropriating or withholding insurance premium payments, and as a result Hess stopped working at 2358 Shasta Way, Klamath Falls, OR 97601-4352. Subsequently, sometime in November 2011, Hess moved from 2426 Hawkins Street, Klamath Falls, OR 97601-1925 to 1709 SE Linn Street Apartment 1, Portland, OR 97202-7304. Hess did not notify the director of these changes of her business and residence addresses. Instead, the director discovered these changes in the course of investigating Hess.

## Order

Pursuant to ORS 744.074(1), Hess' 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, OR 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](mailto:mitchel.d.curzon@state.or.us).

Dated September 21, 2012      /s/ Louis Savage  
Louis Savage  
Insurance Commissioner  
Insurance Division  
Department of Consumer and Business Services

//  
//  
//