

STATE OF OREGON
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
INSURANCE DIVISION

In the Matter of **James A. Baker**

) **FINAL ORDER**

) Case No. INS 14-01-005

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 James A. Baker (Baker).

On 1/21/14, the director issued a notice of proposed action informing the party that the director proposed to revoke Baker's Oregon resident individual insurance producer license pursuant to ORS 744.074. The notice also informed the party that 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 2/11/14. The notice further informed the party that if a hearing was not conducted because the party did not timely request a hearing or otherwise defaulted 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

Baker has been licensed in Oregon as a resident individual insurance producer since 4/17/12. Baker's license is scheduled to expire on 5/31/14. Baker's NAIC

national producer number is 16614747. Baker's last recorded residence address is 3021 NE 25th Court, Gresham, OR 97030-3330; and residence telephone number is 559-676-8148. Baker's last recorded business address is 15800 SE Piazza, Clackamas, OR 97015-9142; and telephone number is 503-891-9311.

Failed to Respond to Director's Inquiry

Baker is subject to enforcement action pursuant to ORS 744.074(1)(b) for violating 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 violates any insurance law, or violates any rule, subpoena, or order of the director or of the insurance regulator of another state or Mexico or Canada. 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 12/17/13, the director mailed by certified and first class mail a letter dated 12/17/13 to Baker to his residence address of 3021 NE 25th Court, Gresham, OR 97030-3330 as last recorded by the Insurance Division; as well as to the Baker's residence address of 1611 SW Wright Place, Troutdale, OR 97060-1527 as last recorded by the Oregon Driver and Motor Vehicle Services Division (DMV). The letter requested Baker to provide certain information to the director by 1/7/13. On 12/19/13, Baker signed for the copy of the letter mailed to 1611 SW Wright Place in Troutdale, which was forwarded to 32502 SE Pipeline Road, Gresham, OR 97080-8970. Baker never responded to the letter.

Order

Pursuant to ORS 744.074(1), Baker'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 MAR 11 2014



Laura N. Cali, FCAS, MAAA
Insurance Commissioner and Chief Actuary

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DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
INSURANCE DIVISION**

In the Matter of **James A. Baker**

) **CERTIFICATE of**
) **SERVICE of**
) **FINAL ORDER**
) Case No. INS 14-01-005

I certify that I sent the final order to the following person(s) on the date and by the means indicated below:

James A. Baker
3021 NE 25th Court
Gresham, OR 97030-3330

US First Class Mail

James A. Baker
32502 SE Pipeline Road
Gresham, OR 97080-8970

US First Class Mail

Dated **MAR 11 2014**


Mitchel D. Curzon
Chief Enforcement Officer

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