

**BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF OREGON
for the
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
INSURANCE DIVISION**

In the Matter of) **OAH Case No: 1401008**
) **Agency Case No. INS 14-01-008**
)
MICHELLE L. COLLUP) **AMENDED RULING ON SUMMARY**
) **DETERMINATION AND**
) **PROPOSED ORDER (dated certificate of mailing**
) **included**

HISTORY OF CASE

On February 11, 2014, the Director of the Department of Consumer and Business Services (Director), by and through the Insurance Division (Division), issued a Notice of Proposed Action (Notice) proposing to revoke the nonresident individual insurance producer license issued to Michelle L. Collup pursuant to ORS 744.074. The Notice alleged that Collup violated an order of the Director and failed to respond truthfully or promptly to a Director's inquiry. On March 3, 2014, Collup requested a hearing challenging the proposed action. On March 5, 2014, the Division referred this matter to the Office of Administrative Hearings (OAH) for hearing.

On March 20, 2014, the Director issued an Amended Notice of Proposed Action (Amended Notice). The Amended Notice included a special notice of rights to active duty service members that had been omitted from the original Notice.

The matter was assigned to Senior Administrative Law Judge Richard Barber. ALJ Barber held a prehearing telephone conference on June 2, 2014. Senior Assistant Attorney General (AAG) Kyle J. Martin represented the Division. Collup participated in the conference without counsel. That same day, the Director filed a Motion for Summary Determination (Motion), along with supporting documents pursuant to OAR 137-003-0580. During the conference, ALJ Barber established a deadline for Collup's response to the Motion and the Division's reply. The hearing was set for September 11, 2014, if necessary.

On July 9, 2014, Collup, through her attorney Spencer Rockwell, filed a response to the Motion. On July 16, 2014, the Director filed a reply. The matter was reassigned to Senior ALJ Alison Greene Webster to rule on the Motion. ALJ Webster took the Motion under consideration on July 23, 2014.¹

¹ On July 22, 2014, the Director submitted an additional exhibit inadvertently omitted from the filing of the motion on June 2, 2014.

ISSUES

1. Whether Collup failed to comply with an Order of the Director in violation of ORS 744.074(1)(b).
2. Whether Collup failed to promptly and truthfully respond to a proper inquiry by the Director in violation of ORS 731.296 and ORS 744.074(1)(b).
3. If Collup committed one or more violations, whether the Director may revoke her Oregon nonresident individual insurance producer license.

DOCUMENTS REVIEWED

In support of its Motion, the Director submitted an Affidavit of Mitchel Curzon and Exhibits A through M. In response to the Motion, Collup submitted a Declaration of Michelle L. Collup and a Declaration of April Lynn Sanchez. The affidavit, exhibits and declarations were made part of the record.

FINDINGS OF FACT

1. Collup was previously been licensed in Oregon as a resident insurance provider. Since January 1, 2013, she has held a nonresident insurance provider license in Oregon (license no. 698944 and NAIC national producer no. 8819166). Her last recorded business address is in Encinitas, California. (Curzon Aff.; Ex. A.)

2. Effective as of January 31, 2013, Collup entered into a Stipulation and Final Order (Final Order) with the Director to resolve Division case no. INS 12-11-007. In that Final Order, Collup acknowledged that she had: (1) failed to notify the Director of her use of an assumed business name in violation of ORS 744.068(1)²; and (2) charged an impermissible service fee to persons in violation of OAR 836-071-0277(2). (Curzon Aff.; Ex. A.)

3. The Final Order obligated Collup to pay a civil penalty of \$600. In addition, the Final Order required the following actions:

Collup shall refund the service fees described above totaling \$2,490.00. By 3/1/13, Collup shall issue a refund check to each person that paid the fee. By 6/1/13, Collup shall send any unrefunded fee to the Oregon Department of State Lands (ODSL) pursuant to ORS 98.005 *et seq.* and OAR 141-045-0005 *et seq.* By 7/1/13, Collup shall send to the director a written list of the name and address of the payee, the check number, the date of the check, and if the check was negotiated then also the date the check was paid by the bank, but if the unrefunded fee was sent to ODST (*sic*) then also the date it was sent and a copy of

² At some point in early 2011, Collup began using the assumed business name of "Monarch Broker" while transacting insurance in Oregon. Contrary to ORS 744.068(1), which requires that a licensed insurance producer notify the Director before using an assumed business name, Collup did not notify the Director of her business name until late in 2011. (Ex. A at 2.)

the check issued to ODSL.

(Ex. A at 4.)

4. By letter dated January 31, 2014, the Division, through Chief Enforcement Officer Mitchel Curzon, notified Collup of her obligations under the Final Order. Curzon's letter restated the required actions and the dates by which the actions were to be completed. Curzon also enclosed with the letter a copy of the Final Order. (Curzon Aff.; Ex. B.)

5. On March 11, 2013, Curzon emailed Collup and asked whether she had issued the refund checks by March 1, 2013, as required by the Final Order. The following day, Collup replied via email: "Yes, and I will report back with you guys in accordance to the schedule provided." (Ex. C.)

6. On or about March 15, 2013, Curzon contacted some of the 15 insureds who were entitled to refunds from Collup under the terms of the Final Order. He confirmed that at least three of these insureds (Donald Duval of E&D Fab Weld LLC, John Jones of Mid-Valley Building LLC and William Blake Matlock of Performance Garages LLC) had not yet received a check from Collup. (Ex. D.)

7. Subsequent to March 15, 2013, Curzon followed up with five of the 15 insureds entitled to refunds from Collup. All five advised Curzon that they had received their refund checks on or after March 15, 2013. The check that Duval received was dated March 1, 2013, but was mailed via express mail from San Diego, California on March 15, 2013. Others received checks dated March 12, 2013 that were postmarked on March 15, 2013. (Exs. D and E.)

8. On August 19, 2013, Curzon emailed Collup to inquire about the timing and issuance of the refund checks and her compliance with the terms of the Final Order. In the email, Curzon questioned the accuracy of Collup's March 12, 2013 claim that she had issued all 15 of the refund checks as of March 1, 2013. Curzon also advised Collup that she had not yet submitted the written list of payees, check numbers, check issuance dates and negotiation status, which under the terms of the Final Order, she was to have sent to the Director by July 1, 2013. In the email, Curzon also wrote as follows:

As of today, we do not have any record of receiving the list.

Pursuant to ORS 731.296, we request that you provide to us the following information:

1. Explain why you told us on 3/11/13 that all of the checks had been issued when at least one was not dated until 3/15/13 and at least two of them were not mailed until 3/15/13, and all of the five that we contacted did not receive them until on or after 3/15/13?
2. Provide a copy of the front and back of each of the 15 refund checks.
3. If you sent the list, then provide another copy of the list, and provide proof when you previously sent it.

4. If you did not send the list, then provide the list, and explain why you did not previously send it.

Send your written response to us so that we receive it by **9/9/13**. If you need more time to respond, then you must request an extension before this date. Failure to respond, delay in responding, or incompletely responding to this e-mail by the due date is a violation of ORS 731.296.

(Ex. E.) On August 21, 2013, Collup confirmed via email that she had received Curzon's August 19, 2013 email. (*Id.*)

9. On September 11, 2013, the Department of State Lands received an undated letter from Collup enclosing two uncashed refund checks. In the letter, Collup wrote:

Hello, I was told to send these un-cashed refund checks made out to my insurance clients to you at the Oregon Dept. of State Lands. I was not sure if I was to make them OUT to you, or just send them in the clients name so that the client could claim them at some point, so I am sending them both ways. Please destroy or return whichever check is not in the correct format.

(Ex. F.) The Department of State Lands later returned to Collup the two checks made out to the individual insureds, check number 1873 in the amount of \$22 and check number 1874 in the amount of \$100. (*Id.* at 3.)

10. On September 16, 2013, the Division received via express mail an undated letter from Collup referencing case no. INS 12-11-007. Included with the letter was a table (listing the name of the insured, the check number and the date the check was negotiated) and photocopies of the checks.³ In the letter, Collup wrote as follows:

To Whom it May Concern:

- When I responded to Mr. Curzon via email that I had issued the checks as requested by 3/1/13, it was because at that time I thought that they were in the mail already and had been sent. I had previously printed them, and given them to my associate who had been on the way to the post office to have them sent. It was not until Mar 12th that I realized, after talking to a few of my clients and checking with the bank, that those checks had not been mailed. I checked with my associate who had [*sic*] supposed to have mailed them, and they realized that they had fallen under the seat in the car and had been overlooked and not mailed. They had also been very bent/wrinkled there so I reprinted the checks on the date

³ The table that Collup submitted indicated, among other things, that she issued check number 1810 to E & D Fab Weld on March 1, 2013; check number 1809 to Mid-Valley Building LLC on March 12, 2013; and check number 1796 to Jamie Stowers on March 15, 2013. The table did not show the date that Collup issued check number 1871 to Geoffrey Lee Carpentry or the date she issued check number 1872 to Linder Lines Striping and Parking Maintenance LLC, but did indicate these two checks were not cashed by the client and were sent to the Department of State Lands. (Ex. G at 2.)

that I had realized this happened, and re-sent them on the 15th, sending them all overnight/express mail.

(Exs. G and H.)

11. On November 12, 2013, Curzon sent Collup another email with specific inquiries about her Monarch Broker business and follow-up questions regarding the undated letter received by the Division on September 16, 2013. Among other things, Curzon asked the name of the associate who was supposed to mail the refund checks, the original check numbers and date of each of the checks, and which checks were damaged and had to be reprinted. Curzon also questioned Collup about inconsistencies in the check numbers and reported issuance dates of the refund checks. He asked why check number 1796 was dated March 15, 2013 when check numbers 1798 and 1799 were dated March 12, 2013, and why check number 1810 was dated March 1, 2013 when check numbers 1809 and 1812 were dated March 12, 2013. (Ex. H at 1-2.) In addition, Curzon requested the following information:

17. Provide a copy of each bank statement for each business bank account, operational or trust, in the name of "Michelle Collup," "Michelle L. Collup," "Monarch Broker," or "Monarch LLC," or any combination thereof, showing the account transactions in the months from February to October 2013.

18. Provide a list of each business check, showing the check number, date, amount, payee, listed in check number sequence, issued by "Michelle Collup," "Michelle L. Collup," "Monarch Broker," or "Monarch LLC," or any combination thereof in the months from February to October 2013 as recorded in your accounting records.

19. Provide a copy of a specimen or canceled check for each account. If you provide a copy of a canceled check, you may redact the payee and amount of the check but do not redact the date of the check.

20. When did you print to attached two checks, numbered 1871 and 1872, dated 5/29/13 that you mailed to the Oregon Department of State Lands (ODSL)?

21. When did you mail the checks to ODSL?

22. How did you mail the checks to ODSL? If you mailed the checks by any tracked mailing service, provide the tracking number.

23. Why is the date you mailed the checks to ODSL different than the date you printed the checks?

(*Id.*) Curzon directed Collup to "[s]end your written response to us so that we receive it by 12/13/13." (*Id.*) He again advised her to request an extension if she needed more time to respond, and noted that the failure to respond, delay in responding, or incompletely responding to the email by the due date would be a violation of ORS 731.296. (*Id.*)

12. On November 15, 2013, Curzon sent Collup a letter by certified mail enclosing a copy of his November 12, 2013 email, because she had not yet responded and acknowledged receipt of the email. (Exs. H and I; Curzon Aff.)

13. On November 18, 2013, Curzon received an email from Collup confirming that

she had received his November 12, 2013 email. Collup also requested an extension of time, until February 5, 2014, to respond to the request for information. She advised that she was eight months pregnant. (Ex. J.) That same date, in response to Collup's request, Curzon emailed her to advise that he was unwilling to extend the due date to February 5, 2014. Curzon wrote that he would give her an additional 31 days (until January 13, 2014) to submit the requested information. (*Id.*)

14. On February 11, 2014, having received at that point no substantive response from Collup to the November 12, 2013 request for information, the Director, by and through the Division, issued the Notice proposing revocation of Collup's nonresident insurance producer license pursuant to ORS 744.074. (Ex. K.) Collup timely requested a hearing on the Notice. (Ex. L.) On March 20, 2014, the Division issued an Amended Notice, which included the required special notice of rights to active duty service members that had been inadvertently omitted from the original Notice. (Exs. M and N; Curzon Aff.)

15. On July 9, 2014, in response to the Director's Motion for Summary Determination, Collup submitted a document listing "Check Register entries for 'Bank of America' from 2/5/2013 11:13:13 AM" (entry numbers 121 through 135) and a document listing 15 "Check Register entries for 'Bank of America' from 3/12/2013 11:13:13 AM" (entry numbers 146 through 160). (Exs. 1 and 2 to Collup Decl.)

CONCLUSIONS OF LAW

1. Collup failed to comply with an Order of the Director in violation of ORS 744.074(1)(b).
2. Collup failed to promptly and truthfully respond to a proper inquiry by the Director in violation of ORS 731.296 and ORS 744.074(1)(b).
3. The Director may revoke Collup's nonresident insurance producer license.

OPINION

A. Summary Determination

OAR 137-003-0580 is titled "Motion for Summary Determination" and provides, in relevant part:

(6) The administrative law judge shall grant the motion for a summary determination if:

(a) The pleadings, affidavits, supporting documents (including any interrogatories and admissions) and the record in the contested case show that there is no genuine issue as to any material fact that is relevant to resolution of the legal issue as to which a decision is sought; and

(b) The agency or party filing the motion is entitled to a favorable ruling as a matter of law.

(7) The administrative law judge shall consider all evidence in a manner most favorable to the non-moving party or non-moving agency.

(8) Each party or the agency has the burden of producing evidence on any issue relevant to the motion as to which that party or the agency would have the burden of persuasion at the contested case hearing[.]

* * * * *

(12) If the administrative law judge's ruling on the motion resolves all issues in the contested case, the administrative law judge shall issue a proposed order in accordance with OAR 137-003-0645 incorporating that ruling or a final order in accordance with 137-003-0665 if the administrative law judge has authority to issue a final order without first issuing a proposed order.

The evidence in the record consists of the affidavit and exhibits submitted by the Division and the declarations and exhibits submitted by Collup in response to the Director's Motion. Summary determination in favor of the Director is appropriate if the record, viewed in a light most favorable to Collup, shows there is no genuine issue of material fact relevant to the resolution of this case and that the Director is entitled to a favorable ruling as a matter of law. For the reasons discussed below, the Director is entitled to summary determination in his favor.

B. Violations of ORS 744.074(1)(b) and 731.296

The Director proposes to revoke Collup's insurance producer license pursuant to ORS 744.074(1) based on her violations of the insurance laws. The Director has the burden of proving the allegations in its Notice of Proposed Action by a preponderance of the evidence. *See* ORS 183.450(2) and (5); *Harris v. SAIF*, 292 Or 683, 690 (1982) (general rule regarding allocation of burden of proof is that the burden is on the proponent of the fact or position.); *Cook v. Employment Div.*, 47 Or App 437 (1980) (in the absence of legislation adopting a different standard, the standard in administrative hearings is preponderance of the evidence). In this case, the Director has met the burden.

I. Violated an Order of the Director.

The Director first contends that Collup's license should be revoked pursuant to ORS 744.074(1)(b) based on her failure to comply with an order of the Director, specifically the January 31, 2013 Final Order.

ORS 744.074(1) authorizes the Director to revoke an insurance producer license for any one or more specifically enumerated reasons. As pertinent to this case, the statute provides as follows:

The Director of the Department of Consumer and Business Services may place a licensee on probation or suspend, revoke or refuse to issue or renew an insurance producer license and may take other actions authorized by the Insurance Code in lieu thereof or in addition thereto, for any one or more of the following causes:

* * * * *

(b) Violating any insurance laws, or violating any rule, subpoena or order of the director or of the insurance commissioner of another state or Mexico or Canada.

The record demonstrates that Collup did not comply with the Final Order. The Final Order required her to issue the 15 refund checks by March 1, 2013; to send any unrefunded fee to the Department of State Lands by June 1, 2013; and to send to the Director a written list of the refund checks and their status by July 1, 2013. The Final Order set out a specific deadline for each action item. Although Collup issued the refund checks, they were not sent to the insureds until March 15, 2013, two weeks past the established deadline. Although Collup sent the unrefunded fees to the Department of State Lands, she did so in September 2013, more than three months past the established June 1 deadline. And, although she provided list of the refunds to the Division, her summary was incomplete and submitted more than two months past the July 1 deadline. Despite Collup's contention, her failure to complete these action items in a timely manner constitutes a violation of the terms of the Final Order and, in turn, a violation of ORS 744.074(1)(b).

Although she acknowledges that she did not timely comply with the Final Order, Collup nevertheless contends that there are genuine issues of material fact regarding the reasons for her untimeliness. More specifically, she contends that her delay in mailing the 15 refund checks was excusable because of her associate's error.⁴ However, even assuming that Collup had a reasonable excuse for not issuing and mailing the refund checks by the March 1, 2013 deadline, she has not offered any explanation or justification for failing to submit the unrefunded fees to the Department of State Lands by June 1, 2013 or for failing to submit a complete list of the refunds to the Director by July 1, 2013.

⁴ In response to the Motion, Collup submitted a declaration by her friend, April Sanchez. Sanchez declared that:

In March 2013, I offered to take Ms. Collup's business mail to the post office. [] Several days after I had offered to do this task, I received a call from Ms. Collup regarding the business mail. [] I looked in my car and several of envelopes had fallen behind the seat and were damaged and/or torn. I did not take, nor was I asked to take further action with respect to these items.

(Sanchez Decl.) It is reasonable to infer from Sanchez's declaration and other evidence in the record that Ms. Sanchez did not place any of the refund checks in the mail on March 1, 2013. Instead, she misplaced them in her car.

In short, Collup has not shown that there are material facts in dispute with regard to her failure to comply with the Final Order in a timely manner. To the extent she asserts there are mitigating factors with regard to her failure to timely issue the refund checks, those will be discussed below, in the sanctions section. Viewing the evidence in a manner most favorable to Collup, the Director has nevertheless proven that Collup violated ORS 744.074(1)(b) by failing to comply with the terms of the Final Order.

2. Failure to Respond to Director's Inquiry

The Director next contends that Collup violated ORS 477.074(1)(b) by not promptly and truthfully replying to inquiries from the Director. ORS 731.296⁵ authorizes the Director to address proper inquiries to an insurer or licensed insurance producer about the insurer's or licensee's activities and in turn requires the insurer or licensed insurance producer to "promptly and truthfully reply to such inquiries" using the form of communication requested by the director. A licensee's failure to promptly and truthfully respond to an inquiry of the Director under ORS 731.296 constitutes a violation of ORS 477.074(1)(b).

On March 11, 2013, the Director, through Chief Compliance Officer Curzon, sent Collup an inquiry regarding her compliance with the Final Order. Collup responded the following day, asserting that she had issued the refund checks and would report back in accordance with the established schedule. As discussed above, Collup's response was not truthful because the checks had not been issued and mailed in accordance with that schedule.

On August 19, 2013, Curzon properly inquired about the timing and issuance of the refund checks and the list summarizing the status of each check, which was at that point past due. Curzon's email contained four specific inquiries and a due date for the written response (September 9, 2013). Collup acknowledged on August 21, 2013 that she received the email, but she did not respond to the inquiries in a timely manner. Also, her undated letter, received by the Division on September 16, 2013, a week past the due date, did not contain a response to each inquiry. In the letter, Collup offered a cursory explanation as to why the checks were sent late (her associate forgot to mail them), but she did not explain her failure to submit the check summary list by the July 1st deadline. Collup's response to the Director's August 19, 2013 inquiry was neither prompt nor complete.

On November 12, 2013, Curzon again inquired into Collup's conduct and her compliance with the terms of the Final Order. His email included specific questions about her Monarch Broker business, her undated letter, the table regarding the refund checks that accompanied that letter and her submission of the unrefunded fees to the Department of State Lands. Collup

⁵ ORS 731.296 provides:

The Director of the Department of Consumer and Business Services may address any proper inquiries to any insurer, licensee or its officers in relation to its activities or condition or any other matter connected with its transactions. Any such person so addressed shall promptly and truthfully reply to such inquiries using the form of communication requested by the director. The reply shall be verified by an officer of such person, if the director so requires. A reply is subject to the provisions of ORS 731.260.

acknowledged on November 18, 2013 that she had received the email, but she again did not respond to the specific inquiries in a prompt manner. Among other things, she failed to provide the requested bank statements, the requested specimen or cancelled checks, or the requested explanation regarding her submission to the Department of State Lands by the January 13, 2014 deadline. She failed to explain the inconsistencies between the check numbers and reported issuance dates. Although she has since identified the associate who she asked to mail the refund checks and provided check register entries pertaining to these checks, Collup still has not offered a comprehensive response to the Director's inquiries. She has also not demonstrated that the Director's inquiries and requests for information were unreasonable, onerous or unduly burdensome.

In sum, the evidence establishes that there is no genuine issue of material fact regarding Collup's failure, on more than one occasion, to promptly and truthfully reply to the Director's inquiries in the manner requested by the Director. Collup's repeated failure to reply to these inquiries constitute violations of ORS 477.074(1)(b).

C. Sanction

The Division has established that Collup violated ORS 744.074(1)(b) by failing to comply with the terms of the Final Order and by failing to respond to proper inquiries of the Director as required under ORS 731.296. Pursuant to ORS 477.074(1), the Director is entitled to take action, up to and including license revocation, for any one or more violations of the statute.

Even assuming that Ms. Sanchez's negligence provided Collup with a legitimate excuse for the delay in mailing the refund checks, Collup has not shown any mitigating factors with regard to her delay in sending the unrefunded fees to the Department of State Lands, or her delay in sending the list of refund checks to the Director. Similarly, she has not shown good cause for her failure to respond to the Director's inquiries in a prompt and truthful manner. The Director's requests for information regarding her activities and transactions in Oregon were proper and reasonable, and her repeated lack of compliance in this regard warrants revocation of her nonresident insurance producer license.

Collup contends, based on *Gambee v. Oregon Medical Board*, 261 Or App 169 (2014) and *Cuff v. DPSST*, 345 Or 462 (2008), that even though violations of the Insurance laws have been shown, this case should proceed to hearing on the sanctions issue. As explained below, her reliance on these two cases is misplaced.

In *Gambee*, the Oregon Medical Board issued a final order revoking Gambee's license to practice medicine, finding that he had violated the Medical Practice Act in several respects with regard to several patients. On review, the court affirmed the board's order in all respects except that it found that Gambee's treatment of two of the patients did not violate his prior orders with the board. Because the board's order did not state that revocation would be warranted without those violations of prior board orders, the court remanded the matter to the board to consider the appropriate sanction. 261 Or App at 178-185.

In this case, like *Gambee*, Collup has violated the insurance laws in several respects. However, unlike the law at issue in *Gambee*, ORS 744.074(1) specifically authorizes the Director to revoke an insurance producer's license "for any one or more" violations of the insurance law. Also, unlike *Gambee*, the Notice in this case expressly stated the Director's intention to take the proposed revocation action even if all of the allegations therein were not proven. (Ex. K at 1; Ex. M at 1.) The alleged violations of ORS 744.074 have been proven, and it is within the Director's discretion to revoke Collup's license. There is no need to have to an evidentiary hearing on the sanction issue.

In *Cuff*, the court, interpreting ORS 181.662(1) and OAR 259-008-0010(6) held that in the context of an action to revoke the certification of a law enforcement officer DPSST may consider any and all conduct that bears on the person's current moral fitness to serve as a law enforcement officer, whenever that conduct occurred. The court refused to find that DPSST violated the law in considering evidence of the officer's prior drug use. As the Director notes in his reply brief, there is nothing in the *Cuff* decision that is directly applicable to this matter.

Collup has had her opportunity to be heard in this case through the summary determination process. As noted above, even considering the evidence in a manner most favorable to Collup as the non-moving party, there are no genuine issues of material fact in dispute. Collup violated ORS 744.074(1)(b) by failing to comply with the terms of the Final Order and by failing to promptly and truthfully respond to inquiries by the Director. The Director is therefore entitled to revoke her nonresident individual insurance producer license.

RULING ON THE MOTION

The Director's Motion for Summary Determination is GRANTED.

ORDER

I propose that the Insurance Division issue the following order:

The Director's Notice of Proposed Action dated February 11, 2014, as amended March 20, 2014, seeking to revoke Michelle L. Collup's Oregon nonresident individual insurance producer license pursuant to ORS 774.074 is AFFIRMED.

NOTE: Because this Ruling on Motion for Summary Determination and Proposed Order resolves all issues in this matter, the contested case hearing scheduled before ALJ Barber on September 11, 2014 is cancelled.



Alison Greene Webster
Senior Administrative Law Judge
Office of Administrative Hearings

Notice of Right to File Exceptions to Proposed Order

If the proposed order is adverse to a party, then the party has the right to file written exceptions to the order and present written argument concerning those exceptions pursuant to ORS 183.460. A party may file the exceptions and argument by sending them to the Insurance Division by delivering them to the Labor and Industries Building, 350 Winter Street NE, Room 440 (4th Floor), Salem, Oregon; or mailing them to P.O. Box 14480, Salem, Oregon 97309-0405; or faxing them to 503-378-4351; or e-mailing them to mitchel.d.curzon@state.or.us. The Insurance Division must receive the exceptions and argument within 30 days from the date this order was sent to the party.

CERTIFICATE OF SERVICE

On 30th day of July 2014, I mailed the foregoing Ruling on Motion for Summary Determination and Proposed Order in Reference No. **1401008**.

BY FIRST CLASS MAIL:

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