

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

In the Matter of **John W Pribil**.

) **FINAL ORDER**
) Case No. INS 14-10-003

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 John W Pribil (Pribil).

On 11/13/14, the director issued a notice of proposed action informing the party that the director proposed to revoke Pribil's Oregon nonresident 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 12/4/14. 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

Pribil has been licensed in Oregon as a nonresident individual insurance producer since 11/16/10. Pribil's license is scheduled to expire on 3/31/15. Pribil's NAIC national producer number is 10162238. Pribil's last recorded residence and business address is

1890 NE 211th Terrace, Miami, FL 33179-1527; residence telephone number is 954-571-4177; business telephone number is 800-979-6581; and business e-mail address is licensing@icanbenefit.com.

Used a Fraudulent, Coercive, or Dishonest Practice in Business

Pribil is subject to enforcement action pursuant to ORS 744.074(1)(h). 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. On or about 6/1/13, Pribil submitted a prospective broker application (PBA) to Golden Rule Insurance Company (Golden Rule) on which he deliberately listed a social security number (SSN) that was different from the SSN which had been listed on a previous application submitted to Golden Rule. Additionally, Pribil incorrectly answered "no" to question number six on his PBA, "Have you ever been the subject of any civil or administrative proceeding ... ?" According to court records filed in the County Court of Miami-Dade Florida on 12/13/11, Pribil had signed a "Stipulation for Final Judgment" in settlement of a civil action commenced by Capital One Bank. During Golden Rule's investigation, Pribil initially stated that he wrote the wrong number in error but later admitted that he paid someone to "fix" his credit and supply him with the alias social security number.

Administrative Action by Other State Insurance Regulator

Pribil is subject to enforcement action pursuant to ORS 744.074(1)(i). 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 a state insurance regulator canceled, revoked, suspended, or refused to renew, the person's license in that state as an insurance producer, adjuster or consultant. As of 10/20/14, 17 state insurance regulators, including Florida which is Pribil's last known state of residence, had reported to the National Association of Insurance Commissioners (NAIC) that they had issued orders from 8/27/13 to 9/23/14 revoking or suspending Pribil's insurance producer licenses in their respective state.

Four other state insurance regulators had reported that Pribil had surrendered his license in their respective state.

Failed to Report Administrative Action by Other State Insurance Regulator

Pribil is subject to enforcement action pursuant to ORS 744.074(1)(b) for violating ORS 744.089(1). 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 744.089(1) requires a person who is licensed in Oregon as an insurance producer to notify the director of any administrative action taken against the person by another state or federal governmental agency, and provide a copy of the order, within 30 days of the final disposition of the action. As of 10/20/14, 18 state insurance regulators, including Florida which is Pribil's last known state of residence, had reported to the NAIC that they had issued orders from 8/27/13 to 9/23/14 revoking or suspending Pribil's insurance producer licenses in their respective state, or ordering Pribil to cease and desist from violating the respective state's insurance laws. All of the actions were finally disposed of more than 30 days. Pribil has not notified the director of any of the actions or provided a copy of any of the orders.

Failed to Respond to Director's Inquiry

Pribil is subject to enforcement action pursuant to ORS 731.296. 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 8/14/14, the director mailed by certified mail a letter dated 8/14/14 to Pribil at his last recorded residence address of 1890 NE 211th Terrace, Miami, FL 33179-1527. The letter requested Pribil to provide certain information about the other states' actions to the director by 9/15/14. On 8/18/14, a person using the name Amy Wiener signed for the letter. The director did not receive from Pribil any response to the letter.

Order

Pursuant to ORS 744.074(1), Pribil's Oregon nonresident 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 DEC 18 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 **John W Pribil.**

) **CERTIFICATE of**
) **SERVICE of**
) **FINAL ORDER**
) Case No. INS 14-10-003

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

John W Pribil
1890 NE 211th Terrace
Miami, FL 33179-1527

US First Class Mail

Dated DEC 18 2014



Mitchel D. Curzon
Chief Enforcement Officer

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