STATE OF OREGON
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
DIVISION OF FINANCIAL REGULATION

In the Matter of: RICHARD K. MOORE aka SPIKE MOORE, an Individual, and RICHARD K. MOORE INSURANCE AGENCY, INC., a Dissolved Business Corporation, Respondents.	Case No. INS-19-0139 ORDER TO CEASE AND DESIST, ORDER TO REVOKE LICENSES, ORDER TO ASSESS CIVIL PENALTIES, AND CONSENT TO ENTRY OF ORDER

The Director of the Department of Consumer and Business Services for the State of Oregon ("Director"), acting in accordance with Oregon Revised Statutes ("ORS") chapters 731, 732, 733, 734, 735, 737, 742, 743, 743A, 743B, 744, 746, 748 and 750 ("Insurance Code"), conducted an investigation into the activities of Richard K. Moore aka Spike Moore ("Moore") and Richard K. Moore Insurance Agency, Inc. ("RKMIA") (collectively, "Respondents") and determined that Respondents engaged in activities constituting violations of the Insurance Code.

Respondents wish to resolve and settle this matter with the Director.

Now, therefore, as evidenced by the authorized signature subscribed on this Order, Respondents hereby CONSENT to entry of this Order upon the Director's Findings of Fact and Conclusions of Law as stated hereinafter.

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FINDINGS OF FACT

The Director FINDS that:

1. On August 31, 1990, Moore was issued an Oregon resident insurance producer license ("License"). Moore's national producer number is 34341.

2. On November 8, 1990, RKMIA was issued a License.[1] RKMIA's national producer number is 7996042.

3. RKMIA was registered as an Oregon corporation until its administrative dissolution on or around August 2, 2002. RKMIA's last registered address with the Oregon Secretary of State's office was 2621 NE Stephens St., Roseburg OR 97470.

4. RKMIA continued to conduct business following its administrative dissolution.

5. Moore was RKMIA's president and has served as its designated responsible licensed producer since December 19, 2003.

6. At all relevant times, RKMIA employed Vickie Coleman ("Coleman")[2] and Amy Khan ("Khan").[3]

7. From in or around 2015 through in or around 2019, Coleman, acting on RKMIA's behalf:

A. Forged customer signatures onto at least ten rerate request forms;[4]

B. Forged at least five customer signatures onto life insurance applications;

C. Falsely identified Oregon customer LC as a non-smoker on a life insurance application, despite knowing LC was a smoker;

D. Falsely told Oregon client KS a forthcoming event was covered under her insurance policy. To support this falsehood, Coleman gave KS an ACORD form[5] on which she had forged Moore's signature; and

E. Submitted a forged letter on behalf of Oregon customer RP to avoid non-renewal of a policy. The letter falsely claimed RP was leasing the building to another business.

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[1] RKMIA's License expired on November 30, 2019.
[2] See related Division of Financial Regulation ("Division") case number INS-20-0001 against Coleman.
[3] See related Division case number INS-20-0002 against Khan.
[4] Rerates occur when customers request their insurance company to rate them as if they were new applicants.
[5] An ACORD form summarizes insurance policy information. It does not actually provide insurance coverage.

8. From in or around 2015 through in or around 2019, Khan, acting on RKMIA's behalf, regularly forged customer signatures onto rerate request forms.

9. In addition, Coleman, acting under Moore's direction:

A. Routinely utilized Moore's passwords to access his work e-mail; and

B. Regularly transmitted e-mails from Moore's account as Moore.

10. Moore failed to provide reasonable supervision over Respondents' insurance business.

CONCLUSIONS OF LAW

The Director CONCLUDES that:

11. Pursuant to ORS 744.011(1), the expiration of RKMIA's License does not deprive the Director of the authority to proceed with actions and disciplinary proceedings against RKMIA.

12. The following activities demonstrate dishonest practices and untrustworthiness, and the Director may revoke Respondents' Licenses under ORS 744.074(1)(h):

A. Forging customer signatures onto at least ten rerate request forms;

B. Forging customer signatures onto at least five life insurance applications;

C. Falsely identifying an Oregon customer as a non-smoker on a life insurance application;

D. Falsely telling an Oregon customer a forthcoming event was covered under her insurance policy, and supporting the falsehood with a forged ACORD form; and

E. Submitting a forged letter on behalf of an Oregon customer to avoid non-renewal of a policy.

13. By forging customer signatures onto insurance applications and documents related to insurance transactions RKMIA engaged in fraudulent practices, and the Director

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may revoke RKMIA's License under ORS 744.074(1)(h).

14. The following activities demonstrate dishonest practices and untrustworthiness, and the Director may revoke Moore's License under ORS 744.074(1)(h):

A. Directing Coleman to utilize his password to access his work e-mail; and

B. Directing Coleman to impersonate him in e-mails.

15. Because the Director has reason to believe that Respondents have been engaged, are engaging, or are about to engage in violations of the Insurance Code, the Director may issue an order to Respondents to cease and desist, pursuant to ORS 731.252(1).

16. Under ORS 731.988(1), the Director may impose a civil penalty of up to $1,000 *per violation* upon any insurance producer who violates a provision of the Insurance Code.

ORDERS

Now therefore, the Director issues the following Orders:

17. As authorized by ORS 731.252(1), the Director hereby ORDERS Respondents to CEASE AND DESIST from violating ORS 744.074(1)(h).

18. As authorized by ORS 744.074(1)(h), the Director hereby REVOKES Respondents' Oregon resident insurance producer licenses.

19. As authorized by ORS 731.988(1), the Director hereby ORDERS that Respondent be jointly and severally subject to a CIVIL PENALTY of $10,000 for violating ORS 744.074(1)(h).

20. The Director hereby suspends payment of $7,500 of the CIVIL PENALTY for a period of three years, provided Respondents:

A. Comply with the terms of this Order; and

B. Do not violate the Insurance Code within the three-year time period.

21. The non-suspended CIVIL PENALTY ($2,500) is due and payable at the time

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this Order is submitted to the Director.

22. The suspended CIVIL PENALTY ($7,500) will be waived three years from the date this Order is finalized, provided Respondents have complied with the foregoing Order terms. The Director reserves the right to immediately assess and collect the suspended civil penalty upon a determination that Respondents have violated any term of this Order.

23. This Order is binding upon Respondents' successors and assigns.

24. This Order is a "Final Order" under ORS 183.310(6)(b). Subject to that provision, the entry of this Order does not limit other remedies that are available to the Director under Oregon law.

SO ORDERED this 18th day of May, 2020.

ANDREW R. STOLFI, Acting Director
Department of Consumer and Business Services

/s/ Dorothy Bean
Dorothy Bean, Chief of Enforcement
Division of Financial Regulation

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CONSENT TO ENTRY OF ORDER

I, Richard K. Moore, state that I have read the foregoing Order and that I know and fully understand the contents hereof. I have been advised of my right to a hearing and of my right to be represented by counsel in this matter. I voluntarily consent to the entry of this Order without any force or duress, expressly waiving any right to a hearing in this matter, as well as any rights to administrative or judicial review of this Order. I understand that the Director reserves the right to take further actions against me to enforce this Order or to take appropriate action upon discovery of other violations of the Insurance Code by me. I will fully comply with the terms and conditions stated herein.

Signature: /s/ Richard Moore

State of Oregon

County of Douglas

Signed or attested before me on this _____ day of _____, 2020 by _____.

_____
Notary Public

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CONSENT TO ENTRY OF ORDER

I, Richard Moore, state that I was an officer of RKMIA and am authorized to act on its behalf. I have read the foregoing Order and know and fully understand the contents hereof. I have been advised of RKMIA's right to a hearing and right to be represented by counsel in this matter. RKMIA voluntarily consents to the entry of this Order without any force or duress, expressly waiving any right to a hearing in this matter, as well as any rights to administrative or judicial review of this Order. RKMIA understands that the Director reserves the right to take further actions against it to enforce this Order or to take appropriate action upon discovery of other violations of the Insurance Code with the terms and conditions stated herein.

Respondent further assures the Director that neither RKMIA nor its officers, directors, employees, or agents will effect insurance services in Oregon unless such activities are in full compliance with the Insurance Code. RKMIA understands that this Consent Order is a public document.

Signature: /s/ Richard Moore

Position Held: Retired

State of Oregon

County of Douglas

Signed or attested before me on this 24th day of April, 2020 by Richard Moore.

/s/ Amy Moore
Notary Public

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