STATE OF OREGON
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
INSURANCE DIVISION

In the Matter of **Adriane E. Ayala**.	)	**FINAL ORDER**
	)	Case No. INS 02-04-026

The Director of the Oregon Department of Consumer and Business Services (director) commenced this administrative proceeding, pursuant to Oregon Revised Statutes (ORS) 731.256, to take disciplinary action against Adriane E. Ayala (Ayala).

On 5/13/02, the director issued a Notice of Proposed Action (Notice), pursuant to ORS 183.415 and related rules, informing Ayala that the director proposed to revoke Ayala's Oregon insurance agent license pursuant to ORS 744.013(1)(a) (1999). The Notice also informed Ayala that she had a right to a hearing and to be represented by an attorney at the hearing. The Notice further informed Ayala that if the director did not timely receive a request for a hearing, then the designated portion of the Insurance Division's investigation file on Ayala would automatically became part of the contested case record, and the director would issue a final order taking the proposed action.

The director did not receive from or on behalf of Ayala any request for a hearing, but determined that the record of the proceeding proved a prima facie case, and therefore did not hold any hearing.

The director makes the following final decision in this proceeding in accordance with ORS 731.248 and 183.470, and related rules.

Findings of Fact and Conclusions of Law

Licensing

Ayala has been licensed in Oregon as a nonresident insurance agent since 2/21/01. Ayala's current license number is 165777. Ayala's last recorded residence address is 4309 Augusta Road, Apartment 20B, Savannah, GA 31408-2029, and telephone number is 912-964-2071. Ayala's last recorded business address is Sitel Corporation 1001 Davidson Drive Suite 101, Savannah GA 31408, and telephone number is 912-963-2000.

Conviction of Misdemeanor

Ayala is subject to disciplinary action pursuant ORS 744.013(2)(e) (1999) because she was convicted on 12/12/95 or 1/19/96 by the Magistrate Court of Chatham County in the State of Georgia, in the consolidated criminal case entitled *The State of Georgia v. Adriane Elaine Ayala,* case numbers N95G203, N95G806, N95G807, and N95H916, of four counts of the crime of deposit account fraud, pursuant to the Official Code of Georgia Annotated § 16-9-20. Such crime, if committed in Oregon, would be the crime of negotiating a bad check, pursuant to ORS 165.065, which is a class A misdemeanor. Negotiating a bad check is a misdemeanor involving moral turpitude because it requires the elements of intent, dishonesty, and harm to a specific person. See *In re Chase*, 299 Or 391, 402, 702 P2d 1082 (1985).

Filing License Application Containing False Information

Ayala violated ORS 731.260 by failing to disclose on an application for an Oregon nonresident insurance agent license, dated 1/23/01, that Ayala had been convicted of the above described crime(s).

Disciplinary Action Taken by Other States

Ayala is subject to disciplinary action pursuant to ORS 744.013(2)(L) (1999) in six instances because of the following circumstances.

On 5/8/01, Mississippi issued an order, number 01-04175, revoking Ayala's nonresident insurance agent license in that state because Ayala misrepresented on her application for a nonresident insurance agent license in that state, which was received by that state on 2/27/01, that she had not been convicted of a crime when she had been convicted of the above described crimes.

On 7/9/01, Colorado issued an order, number 02-004, revoking Ayala's nonresident insurance agent license in that state for an unspecified reason.

On 9/18/01, Pennsylvania issued an order, number CO01-06-035, revoking Ayala's nonresident insurance agent license in that state because Ayala misrepresented on her application for a nonresident insurance agent license in that state, which was received by that state on or about 9/15/00, that she had not been convicted of a crime when she had been convicted of the above described crimes.

On 10/19/01, Alabama issued an order, number P-201-28-TR, revoking Ayala's nonresident insurance agent license in that state because Ayala misrepresented on her application for a nonresident insurance agent license in that state that she had not been convicted of a crime when she had been convicted of an unspecified crime.

On 11/7/01, Iowa issued an order, number 01DOCID0144, revoking Ayala's nonresident insurance agent license in that state, unless Ayala requested a hearing by 12/7/01. Ayala did not request a hearing so the order became final on 12/7/01. Iowa took the action because Ayala misrepresented on her application for a nonresident insurance agent license in that state that she had not been convicted of a crime when she had been convicted of an unspecified crime, and failed to report that Mississippi had revoked Ayala's insurance agent license in that state.

On 12/28/01, Nebraska issued an order, number AR-1444, revoking Ayala's nonresident insurance agent license in that state because Colorado had revoked Ayala's insurance agent license in that state.

Nonresident Agent No Longer Licensed in Resident State

Ayala is subject to disciplinary action pursuant to ORS 744.744.063 (2001) because Ayala is a resident of Georgia and Ayala's Georgia resident insurance agent license expired on 12/31/01 and was not renewed as of 4/8/02.

Order

Pursuant to ORS 744.013(1) (1999), the Oregon insurance agent license issued to Ayala shall be revoked on the date of this order.

Notice of Judicial Review

Pursuant to ORS 183.480 and 183.482, Ayala may request the Oregon Court of Appeals to review this order by filing a written petition for judicial review with the court within 60 calendar days after the date this order was sent to Ayala.

Dated June 27, 2002

/s/ Mary C. Neidig
Mary C. Neidig
Director
Department of Consumer and Business Services