STATE OF OREGON
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
INSURANCE DIVISION

In the Matter of **Kathryn M. Mitchell**.	)	**STIPULATION** and
	)	**FINAL ORDER**
	)	Case No. INS 04-04-032

STIPULATION

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 enforcement action against Kathryn M. Mitchell (Mitchell).

Mitchell enters into this stipulation, pursuant to ORS 183.415(5), to conclude this proceeding without further administrative or judicial proceedings.

Mitchell waives the right to receive a notice of proposed action, receive a notice of the rights of a party and procedures in contested cases, have a hearing, be represented by an attorney at the hearing, receive a proposed order, file exceptions to the proposed order, and have the final order judicially reviewed.

Mitchell stipulates to the following facts, conclusions, and action, and consents to issuance of a final order incorporating this stipulation.

Facts and Conclusions

Licensing Information

Mitchell has been licensed in Oregon as a nonresident insurance agent since 11/5/02. Mitchell's current license number is 183024. Mitchell's last recorded residence address is located in San Diego, California. Mitchell's last recorded business address is located in Poway, California.

Enforcement Action by Other State Insurance Regulator

Mitchell is subject to enforcement action pursuant to ORS 744.074(1)(i) in one instance because of the following circumstances. ORS 744.074(1)(i) permits the director to take any authorized enforcement action against a person licensed in Oregon as an insurance agent if another state insurance regulator cancels, revokes,

suspends, refuses to renew the person's license in that state as an insurance agent, adjuster or consultant. On 10/16/03, the insurance regulator for the State of Washington issued an order, number D 03-201, revoking Mitchell's Washington nonresident insurance agent license effective on 11/5/03 if Mitchell did not request a hearing by the effective date. Mitchell did not request a hearing. Thus, the action was effective on 11/5/03. The insurance regulator took the action because Mitchell failed to respond to the insurance regulator's written inquiries dated 1/29/03, 5/15/03, and 8/19/03.

Failed to Report Enforcement Action by Other State Insurance Regulator

Mitchell violated ORS 744.089(1) in one instance by engaging in the following conduct. ORS 744.089(1) requires a person licensed in Oregon as an insurance agent to notify the Insurance Division of any administrative action taken against the person, and provide a copy of the order, within 30 days of the final disposition of the action. On 10/16/03, the insurance regulator for the State of Washington issued an order, number D 03-201, revoking Mitchell's Washington nonresident insurance agent license effective on 11/5/03 as described above. The action was finally disposed of on 1/14/04. Thus, Mitchell was required to notify the Insurance Division of the action, and provide a copy of the order, by 2/13/04. Mitchell has not notified the Insurance Division of the action or provided a copy of the order.

Failed to Respond to Director

Mitchell violated ORS 731.296 in two instance(s) by engaging in the following conduct. ORS 731.296 requires a person licensed in Oregon as an insurance agent to promptly and truthfully respond to inquiries from the director.

1. On 3/26/03, the Insurance Division mailed by certified mail a letter to Mitchell at her last recorded business address of GEICO Insurance Company, 14111 Danielson Street, Poway, CA 92064. The letter requested Mitchell to provide certain information to the Insurance Division by 4/26/04. On 4/1/04, GEICO signed for the letter. On 4/6/03, the Insurance Division received the unopened envelope marked "No longer employed here – return to sender." The Insurance Division has not received any response from Mitchell.

2. On 4/9/03, the Insurance Division mailed by certified mail a letter to Mitchell at her last recorded residence address of 390 West University Avenue Apartment 29, San Diego, CA 92103. The letter requested Mitchell to provide certain information to the Insurance Division by 5/6/04. Sometime between 4/17/04 and 4/28/04, the Insurance Division received the unopened envelope marked "Moved - Left No Address – Unable to Forward – Return to Sender." The Insurance Division has not received any response from Mitchell.

Action

Mitchell surrenders her license Oregon nonresident agent license effective on the date of this stipulation, and shall not apply for any license authorized by ORS Chapter 744, as consideration for the director not taking any enforcement action against Mitchell.

Dated May 16, 2004

/s/ Kathryn M. Mitchell
Kathryn M. Mitchell

FINAL ORDER

The director incorporates herein the above stipulation, adopts it as the director's final decision in this proceeding, and orders that the action stated therein be taken.

Dated June 9, 2004

/s/ Cory Streisinger
Cory Streisinger
Director
Department of Consumer and Business Services

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