STATE OF OREGON
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
INSURANCE DIVISION

In the Matter of **Mark M. Chioda**.	)	**STIPULATION** and
	)	**FINAL ORDER**
	)	Case No. INS 04-05-020

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 Mark M. Chioda (Chioda).

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

Chioda 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.

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

Facts and Conclusions

Licensing Information

Chioda has been licensed in Oregon as a nonresident insurance agent since 2/12/03. Chioda's current license number is 186003. Chioda's last recorded residence address is located in Lebanon, New Jersey. Chioda's last recorded business address is located in Bridgewater, New Jersey.

Made False Statement on Insurance License Application

Chioda violated ORS 744.074(1)(a) in one instance by engaging in the following conduct. ORS 744.074(1)(a) permits the director to take any authorized action against a person if the person provided to the director incorrect, misleading, incomplete or materially untrue information on an Oregon insurance agent license application. On 2/4/03, the Insurance Division received from Chioda an Oregon nonresident insurance agent license application dated 1/27/03. On the application, Chioda answered "No" to

question 1, which asked "Have you ever been convicted of, or are you currently charged with, committing a crime, whether or not adjudication was withheld?" Chioda's answer was false and he knew that it was false because on 1/15/03 Chioda had been charged in the state of Kansas with speeding and driving under the influence.

Failed to Report Enforcement Action by Other State Insurance Regulator

Chioda 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 enforcement action taken against the person by another state insurance regulator, and provide a copy of the order, within 30 days of the final disposition of the action. On 12/2/03, the insurance regulator for the State of Florida issued an order, number 72152-03-AG, assessing Chioda an administrative penalty of $750.00, and placing Chioda's Florida nonresident insurance agent license on probation for one year. The insurance regulator took the action because Chioda failed to disclose on his Florida insurance license application dated 1/30/03 that Chioda had been charged with the crime described above. The action was finally disposed of on 12/2/03. Thus, Chioda was required to notify the Insurance Division of the action, and provide a copy of the order, by 1/2/04. On 4/28/04, 117 days late, the Insurance Division received from Chioda a letter dated 4/26/04 notifying the Insurance Division of the action, but not providing a copy of the order.

Action

As consideration for the director not taking any enforcement action in this proceeding, Chioda surrenders his Oregon nonresident insurance agent license effective on the date of this stipulation, and shall not apply for any license authorized by ORS Chapter 744.

Dated June 2, 2004 /s/ Mark M. Chioda
Mark M. Chioda

FINAL ORDER

The director incorporates herein and adopts the above stipulation as the director's final decision in this proceeding, and orders that no enforcement action shall be taken against Chioda.

Dated June 15, 2004

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

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