STATE OF OREGON
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
INSURANCE DIVISION

In the Matter of **David L. Ellis**	)	**FINAL ORDER**
	)	Case No. INS 04-07-004

History of the Proceeding

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 David L. Ellis (Ellis).

On 8/27/04, the director notified the party that they were entitled to a hearing pursuant to ORS 183.415.

The director did not receive a request for a hearing, and did not hold a hearing because the director determined that the record of the proceeding proved a *prima facie* case and no further evidence was needed.

Therefore, the director now makes the following final decision in this proceeding.

Findings of Fact and Conclusions of Law

Licensing Information

Ellis has been licensed in Oregon as a nonresident insurance agent from 10/6/93 to 10/31/02, and since 8/8/03.

Agent Not Licensed in Resident State

Ellis is subject to enforcement action pursuant to ORS 744.063(1)(a) because of the following circumstances. ORS 744.063(1)(a) requires a person licensed in Oregon as a nonresident insurance agent to be also licensed in the person's state of residence as a resident insurance producer. At all relevant times, Ellis is a resident of Pennsylvania. On 3/9/04, the insurance regulator for the State of Pennsylvania issued an order, CO04-03-011, revoking Ellis' Pennsylvania resident insurance agent license and ordering Ellis to make restitution. The insurance regulator took the action because Ellis received from an applicant $92,500 in premium for an insurance policy and issued a binder therefor but failed to forward the premium to

the insurer. Therefore, Ellis has not qualified for an Oregon nonresident insurance agent license since 3/9/04.

Order

Pursuant to ORS 744.074(1), Ellis' Oregon nonresident insurance agent license is revoked on the date of this order.

Notice of Right to Judicial Review

The party may have the right to appeal the order to the Oregon Court of Appeals pursuant to ORS 183.480 and 183.482. If a party wants to appeal the order, the party must file a petition for judicial review with the Court of Appeals 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 day the party received the order. If the order was mailed to a party, then the date of service is the day the order was mailed to the party, not the day the party received the order. If a party does not file a petition for judicial review within the 60-day time period, then the party will loose the right to appeal this order. If a party appeals the order, the party should also send a copy of the petition to the Insurance Division.

Dated October 11, 2004

/s/ Joel Ario
Joel Ario
Administrator
Insurance Division
Department of Consumer and Business Services

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