STATE OF OREGON
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
INSURANCE DIVISION

In the Matter of **Beverly A. Miller**	)	**FINAL ORDER**
	)	Case No. INS 04-07-010

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 Beverly A. Miller (Miller).

On 7/30/04, 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

Miller has been licensed in Oregon as a resident insurance agent since 5/8/98.

Failed to Comply with Subpoena

Miller violated ORS 731.232 in one instance by engaging in the following conduct. ORS 731.232 authorizes the director to issue a subpoena to a person to compel them to appear, testify, and produce certain information in the course of an investigation or administrative proceeding. On 6/9/04, the Insurance Division issued a subpoena to Miller requesting her to appear in person on 6/17/04 at 10:00 AM at the office of the Insurance Division located at 350 Winter Street, Salem, Oregon, to be interviewed. The Insurance Division wanted to interview Miller about allegedly preparing and negotiating at least five business operating account checks drawn on an account of A Street Financial Advisors, Inc., when she was not

authorized to do so. On 6/11/04 at 4:24 PM, the subpoena was personally served on Miller at her last recorded residence and business address of 34 Crater Lake Avenue, Medford, Oregon 97504-7445. On 6/17/04, Miller did not appear as requested, or otherwise contact the Insurance Division.

Order

Pursuant to ORS 744.074(1), Miller's Oregon resident 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 8, 2004

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

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