STATE OF OREGON
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
INSURANCE DIVISION

In the Matter of **Thomas E. Hassell**	)	**FINAL ORDER**
	)	Case No. INS 04-07-022

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 Thomas E. Hassell (Hassell).

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

Hassell has been licensed in Oregon as nonresident insurance agent since 5/7/01.

Agent Not Licensed in Resident State

Hassell is subject to enforcement action pursuant to ORS 744.063(1)(a) in one instance because of the following circumstances. ORS 744.063(1)(a) requires a person licensed in Oregon as a nonresident insurance producer to also be licensed and in good standing in the person's state of residence as a resident insurance producer. At all relevant times, Hassell was a resident of California. On 3/1/04, the insurance regulator for the State of California issued an order, file number LBB 1627-AP (AR), revoking Hassell's California resident insurance agent license effective 3/31/04. The insurance regulator took the action because Hassell was convicted of the following three crimes. On 4/3/98, Hassell was convicted, based on a plea of guilty, by the Municipal Court of San Diego County, El Cajon Judicial

District, State of California, of the crime of driving while having a measurable blood alcohol, pursuant to Section 23152(b) of the California Vehicle Code, a misdemeanor. On 7/28/03, Hassell was convicted, based on a plea of no contest, by the Superior Court of San Diego County, Central Division, State of California, of the crime of trespass with intent to injure, pursuant to Section 602(j) of the California Penal Code, a misdemeanor. On 8/28/03, Hassell was convicted, based on a plea of guilty, by the Superior Court of San Diego County, East County Division, State of California, of the crime of unlawfully taking and driving a vehicle, pursuant to Section 10851(a) of the California Vehicle Code, a misdemeanor. Therefore, Hassell has not qualified for an Oregon nonresident insurance agent license since 3/31/04.

Failed to Report Enforcement Action by Other State Insurance Regulator

Hassell violated ORS 744.089(1) in two instances 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.

1. On 3/1/04, the insurance regulator for the State of California issued an order, file number LBB 1627-AP (AR), revoking Hassell's California resident insurance agent license as described above. The action was finally disposed of on 3/31/04. Thus, Hassell was required to notify the Insurance Division of the action, and provide a copy of the order, by 4/30/04. Hassell has not notified the Insurance Division of the action or provided a copy of the order.

2. On 5/24/04, the insurance regulator for the State of Kansas issued an order, number 3329-SO, revoking Hassell's Kansas nonresident insurance agent license effective on 6/8/04 if Hassell did not request a hearing before the effective date. Hassell did not request a hearing. The action was finally disposed of on 6/8/04. The insurance regulator took the action because (1) the insurance regulator for the State of California revoked Hassell's California resident insurance agent license as described above, and (2) Hassell failed to report California's action to Kansas. Thus, Hassell was required to notify the Insurance Division of the action, and

provide a copy of the order, by 7/8/04. Hassell has not notified the Insurance Division of the action or provided a copy of the order.

Order

Pursuant to ORS 744.074(1), Hassell's 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 12, 2004

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

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