STATE OF OREGON
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
INSURANCE DIVISION

In the Matter of **Tim P. O'Neal**	)	**FINAL ORDER**
	)	Case No. INS 06-05-045

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 Tim P. O'Neal (O'Neal).

On 6/12/06, the director issued a notice of proposed action notifying the party that the director proposed to take enforcement action against the party and that the party was entitled to a hearing, pursuant to ORS 183.415.

The director did not receive a request for a hearing. The director 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.

The director now makes the following final decision in this proceeding.

Findings of Fact and Conclusions of Law

Licensing Information

O'Neal has been licensed in Oregon as a resident individual producer from 5/10/93 to 5/31/06. On 5/31/06, O'Neal's license expired. O'Neal's last recorded residence address is located in Troutdale, Oregon.

Failed to Respond to Director's Inquiry

O'Neal is subject to enforcement action pursuant to ORS 731.296 because of the following circumstances. ORS 744.074(1)(b) permits the director to take any authorized enforcement action against a person who has applied for a license or is licensed in Oregon as an insurance producer if the person violated any insurance statute; or any rule, order or subpoena of the director or the insurance regulator of another state. ORS 731.296 requires a person who is licensed in Oregon in any capacity under the Insurance Code to promptly and truthfully respond to an inquiry from the director. On 10/12/05, Farmers Insurance Group (Farmers) informed the

Insurance Division that Farmers had received a complaint that O'Neal, as an agent of Farmers, had received from an insured a premium payment in cash but failed to apply the payment to the insured's policy. O'Neal gave the insured a receipt for the payment but referenced a policy number that did not exist. On 1/31/06, the Insurance Division mailed by certified mail a letter to O'Neal at his last recorded residence address of 1838 SW Hensley Road, Troutdale, OR 97060-1931. The letter requested O'Neal to provide certain information about the complaint to the Insurance Division by 2/28/06. On 2/6/06, O'Neal received the letter. The Insurance Division has not received any response from O'Neal.

Order

Pursuant to ORS 744.074(1), O'Neal's Oregon resident individual insurance producer license is revoked on the date of this order.

Notice of Right to Judicial Review

A party has the right to appeal this final order to the Oregon Court of Appeals pursuant to ORS 183.480 and 183.482. A party may institute a proceeding for judicial review by filing with the court a petition for judicial review 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 files a petition, the party is requested to also send a copy of the petition to the Insurance Division.

Dated July 24, 2006

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

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