STATE OF OREGON
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
DIVISION OF FINANCIAL REGULATION

In the Matter of RONALD H. SIMS, Respondent.	Case No. INS-21-0050 ORDER TO CEASE AND DESIST AND ORDER REVOKING INSURANCE PRODUCER LICENSE, ENTERED BY DEFAULT

On October 19, 2021, the Director of the Department of Consumer and Business Services for the State of Oregon ("Director"), by and through the Division of Financial Regulation ("Division"), served Notice of Administrative Order INS-21-0050 ("Notice") on Ronald H. Sims ("Respondent"). The Notice provided notice that the Director issued an order to cease and desist, proposed order assessing civil penalties, and notice of right to an administrative hearing for violations of provisions of Oregon Revised Statutes ("ORS") chapters 731, 732, 733, 734, 735, 737, 742, 743, 743A, 744, 746, 748 and 750 ("Insurance Code") and the Oregon Administrative Rules ("OAR") promulgated under those laws.

The Notice offered Respondent an opportunity for a hearing if requested within 20 days of service of the Notice. The Notice further informed Respondent that if a hearing were not conducted because Respondent did not timely request a hearing or otherwise defaulted, then the designated portion of the Division's file and all materials submitted by Respondent in this case would automatically become part of the contested case record for the purpose of proving a prima facie case.

The Director did not receive from Respondent a request for a hearing and did not conduct a hearing.

The Director finds that the record of this proceeding proves a prima facie case.

Now, therefore, after considering the relevant portions of the Division's file relating

Division of Financial Regulation
Labor and Industries Building
350 Winter Street NE, Suite 410
Salem, OR 97301-3881
Telephone: (503) 378-4387

to this matter, the Director finds and orders as follows.

FINDINGS OF FACT

The Director FINDS that:

1. Respondent's National Association of Insurance Commissioners national producer number is 10360601. Starting on February 27, 2008, Respondent has been licensed in California to act as a Life-Only and Accident and Health Agent Broker-Agent (the "California Licenses"). Starting on March 27, 2013, Respondent has held an Oregon non-resident individual insurance producer license.

2. On or about June 16, 2021, Respondent pleaded guilty to two counts of violating California Penal Code section 550(b)(1) for knowingly presenting or causing to be presented any false of fraudulent claim for the payment of a loss or injury, including payment of a loss or injury under a contract of insurance.

3. By an order dated September 15, 2021, the California Insurance Commissioner revoked Respondent's California Licenses for cause, namely, for committing a misdemeanor related to insurance involving theft or dishonesty or fraud in violation of the California Insurance Code. In that order, the California Insurance Commissioner noted that Respondent admitted in court: "I knowingly presented a false statement in a claim for payment on an auto insurance contract, the statement related to a material fact about the policy's terms."

4. At no time did Respondent report to the Division the foregoing criminal or administrative actions.

CONCLUSIONS OF LAW

The Director CONCLUDES that:

5. Under ORS 744.074(1)(i), the Director may revoke an insurance producer license if any state revokes the producer's license or other evidence of authority to act as an adjuster or an insurance producer or consultant. The record of the revocation shall be

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conclusive evidence of the action taken.

6. Because the California Insurance Commissioner revoked Respondent's license to act as an insurance producer, the Director may revoke Respondent's insurance producer license under ORS 744.074(1)(i).

7. Under ORS 744.089(2), not later than the 30th day after the initial pretrial hearing date, an insurance producer shall report to the Director any criminal prosecution of the insurance producer taken in any jurisdiction. The report shall include a copy of the initial complaint filed, the order resulting from the hearing and any other relevant legal documents.

8. By failing to report to the Director his June 16, 2021, criminal prosecution in California within 30 days after the initial pretrial hearing date in that prosecution, Respondent violated ORS 744.089(2).

9. Under ORS 744.089(1), an insurance producer shall report to the Director any administrative action taken against the insurance producer in another jurisdiction or by another governmental agency in this state not later than the 30th day after the date of the final disposition of the matter. This report shall include a copy of the order, consent to order and other relevant legal documents.

10. By failing to report to the Director the September 15, 2021, California administrative action taken against him within 30 days of the date of the final disposition in that matter, Respondent violated ORS 744.089(1).

11. Under ORS 731.252(1), whenever the Director has reason to believe that any person has been engaged or is engaging or is about to engage in any violation of the Insurance Code, the Director may issue an order, directed to such person, to discontinue or desist from such violation or threatened violation.

12. Because the Director has reason to believe that Respondent has violated the Insurance Code, including ORS 744.074(1) and ORS 744.089, the Director may issue an

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order directed to Respondent to discontinue or desist from that violation under ORS 731.252(1).

ORDERS

The Director issues the following ORDERS:

Order to Cease and Desist

13. Pursuant to the authority of ORS 731.252(1), the Director hereby orders Respondent to CEASE AND DESIST from violating ORS 744.074(1) and ORS 744.089.

Order Revoking License

14. Pursuant to ORS 744.074(1)(i), the Director hereby REVOKES Respondent's non-resident individual insurance producer license.

FINAL ORDER

15. This Order is a "Final Order" under ORS 183.310(6)(b). Subject to that provision, the entry of this Order does not limit other remedies that are available to the Director under Oregon law.

IT IS SO ORDERED.

Dated this 14th day of December, 2021.

ANDREW R. STOLFI, Director
Department of Consumer and Business Services

/s/ Dorothy Bean
Dorothy Bean, Chief of Enforcement
Division of Financial Regulation

NOTICE OF RIGHT TO JUDICIAL APPEAL

Judicial review of final orders in contested cases is governed by ORS 183.482. Respondents may request judicial review by filing a petition with the Court of Appeals in Salem, Oregon, within 60 days from the date this order is served.

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