

**STATE OF OREGON
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
INSURANCE DIVISION**

In the Matter of **Derek J. Moya**

) **FINAL ORDER**

) Case No. INS 09-12-005

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 Derek J. Moya (Moya).

On 12/11/09, the director issued a notice of proposed action informing the party that the director proposed to take enforcement action against the party and the party was entitled to a hearing pursuant to ORS 183.415. The notice also informed the party that if a hearing was not conducted then the designated portion of the Insurance Division's file and all materials submitted by the party 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 the party 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.

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

Findings of Fact and Conclusions of Law

Licensing Information

Moya has been licensed in Oregon as a resident individual insurance producer since 11/23/07. Moya's last recorded residence address is located in Aloha, Oregon and business address is located in Beaverton, Oregon.

Failed to Report Administrative Action by Other State Insurance Regulator

Moya is subject to enforcement action pursuant to ORS 744.089(1) because of the following circumstances. ORS 744.074(1)(b) permits the director to take any authorized administrative 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 744.089(1) requires a person who is licensed in Oregon as an insurance producer to notify the director of any administrative 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. On 4/10/09, the insurance regulator for the State of California issued an order, number LBB 5300-AP (AR), refusing to issue to Moya a California nonresident insurance producer license. The insurance regulator took the action because Moya failed to disclose on Moya's California nonresident insurance producer license application, received by the regulator on 10/17/08, that Moya had been convicted of six crimes as described in the order. The action was effective on 4/10/09. However, the action was finally disposed of on 5/10/09 pursuant to California Government Code §11521 and §11523. Moya was required to notify the director of the action and provide a copy of the order by 6/9/09. Moya has not notified the director of the action or provided a copy of the order.

Failed to Respond to Director's Inquiry

Moya is subject to enforcement action pursuant to ORS 731.296 because of the following circumstances. 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 6/9/09, the director mailed by certified mail a letter dated 6/8/09 to Moya at his last recorded residence mailing address of 20320 SW Clarion Street, Aloha, OR 97006-2279. The letter requested Moya to provide certain information to the Insurance Division by 7/14/09. On 6/10/09, Belinda Moya signed for and received the letter. The director did not receive any response from Moya. On 7/20/09, when Moya did not respond by the due date, the director mailed by certified mail a follow up letter dated 7/20/09 to Moya at the same address. On 7/22/09, Moya signed for and received the letter. The director has not received a response from Moya.

Order

Pursuant to ORS 744.074(1), Moya’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 judicial review of this order pursuant to ORS 183.480 and ORS 183.482. A party may request judicial review by sending a petition for judicial review to the Oregon Court of Appeals. The court must receive the petition 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 date the party received the order. If the order was mailed to a party, then the date of service is the date the order was mailed to the party, not the date 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 by delivering it to the Labor and Industries Building, 350 Winter Street NE Room 300, Salem, Oregon 97301-3880; or mailing it to PO Box 14480, Salem, OR 97309-0405; or faxing it to 503-378-4351; or e-mailing it to mitchel.d.curzon@state.or.us.

Dated 1/7/10

/s/ Teresa D. Miller
Teresa D. Miller
Administrator
Insurance Division
Department of Consumer and Business Services

//
//
//