

FILED

BEFORE THE OFFICE OF THE INSURANCE COMMISSIONER

2012 MAY -2 A 0 57

In the Matter of

AUTURO ROBERTS,

Nonresident Licensee

)
)
)
)
)
)
)

Order No. 12-0028

Office of the Insurance Commissioner
1000 North Main Street
Austin, Texas 78701

OIC HEARING MEMORANDUM

FACTS

1. Auturo Roberts ("Roberts" or "the Licensee") was licensed as a nonresident independent adjuster in Washington on May 16, 2011. His home state is Texas.

2. On April 29, 2011, the Commissioner received a nonresident adjuster license application for Mr. Roberts (Exhibit 1). The application was completed online by a designated person at his place of employment, Mike Orm. Roberts was aware that the employer was in the process of submitting ten applications per person for numerous contractors, himself included, in states other than Texas as a result of corporate changes. In April 2011, Mr. Orm asked Roberts to complete an "adjuster license questionnaire" that inquired about how to answer license application questions (Exhibit 2). Roberts submitted the same questionnaire that he had previously provided to Mr. Orm the year before. One of the questions on the questionnaire was "Have you ever been convicted of, or are you currently charged with, committing a crime, whether or not adjudication was withheld?" Roberts checked the box indicating "No" as the answer (Exhibit 3). Mr. Orm therefore went on to complete the Washington license application on Roberts' behalf. The Washington application question "[h]ave you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime?" was answered "No." The Commissioner issued a license to Roberts that same day.

3. A few weeks later, the Commissioner obtained a criminal record check for Roberts from the FBI (Exhibit 4). It showed a 20-year-old criminal conviction. Roberts explained that in January 1991, as part of a fraternity initiation at a Kansas university, Roberts and a friend went to an auto dealer under the pretext of buying a car, test drove it, and failed to

return it. After the dealership reported the car stolen, Roberts drove the car back to his home in Florida, where he was arrested for felony auto theft on January 26, 1992. He returned the car to Kansas and pled guilty to the lesser charge of misdemeanor temporary deprivation of vehicle, or joy-riding, on May 21, 1992. Roberts provided the documentation of the conviction from the Municipal Court of the City of Wichita and from the Wichita Police Department, which also showed the conviction (Exhibit 5). Roberts later admitted to also facing a driving while intoxicated charge after having been arrested on February 10, 2010, which to date has yet to come to trial due to a clogged court docket (Exhibit 6).

4. By email dated November 3, 2011, Roberts attempted to clarify the circumstances of the situation to OIC investigator Cheryl Penn (Exhibit 7). After explaining the conviction itself, Roberts goes on to note that the reason he did not answer the question in the affirmative is that “*I was unaware of the requirement to list misdemeanor convictions.*” He adds that “*I honestly forgot about the incident at the time of completing the application. . .*” [Emphasis mine]. Thus, when first asked by the OIC investigator, Roberts took some ownership of the application question answers he had given to Mr. Orm. But later, after the matter was referred to Legal Division of the OIC for enforcement, Roberts told OIC staff attorney Alan Singer that he had absolutely nothing to do with the Washington application, and that Mr. Orm answered all of the questions and submitted the application without his knowledge or consent (See Exhibit 6). Roberts falsely told Mr. Singer that Mr. Orm was unaware of the conviction because Mr. Orm did not ask him about it.

5. The Commissioner did not have in his possession the incriminating email and adjuster license questionnaire until late in the afternoon on March 2, 2012, but he always had taken the position that even if Roberts did not specifically instruct Mr. Orm on how to answer the questions, he was still responsible for the content of his application for licensure. Therefore, on February 3, 2012, the Commissioner offered Roberts a Consent Order imposing a fine of only \$250 to settle the allegation that he was responsible for having an application submitted to the OIC that contained an incorrect and incomplete answer to the question in regard to past convictions (Exhibit 8). The cover letter accompanying the Consent Order clearly stated that if the Consent Order was not signed and returned to the Commissioner by February 21, 2012, the offer of settlement was withdrawn and further action would be taken in regard to Roberts’

license. The fine requested in the Consent Order was one-quarter of the maximum allowable fine for one violation of the insurance code. Notwithstanding, by email dated February 29, 2012, Roberts declined to enter into the Consent Order, implied some sort of racial or ethnic bias by the Commissioner, and insisted that this matter had been handled "in bad faith" (Exhibit 9).

6. In the early afternoon of March 2, 2012, the Commissioner filed a Notice of Hearing with the administrative law judge and mailed a copy to Roberts, still only requesting a fine (Exhibit 10). In light of the receipt of the emails and questionnaire from Mr. Orm later on the same day, the sanction requested in this case by the Commissioner is now for revocation of license rather than merely a fine. Roberts was notified that an increase in the fine or a less favorable outcome would be possible after a hearing should he reject the Consent Order (See Exhibit 8, page 1). He was specifically informed that the Commissioner would be requesting revocation of his adjuster license by email dated March 6, 2012 (Exhibit 11).

ARGUMENT AND AUTHORITY

I. Grounds for Revocation

RCW 48.17.530(1)(a) permits the Commissioner to revoke, suspend, place a license on probation, or impose a civil penalty upon an adjuster for providing incorrect, misleading, incomplete or materially untrue information in the license application.

II. Argument

This is a simple case. Roberts gave the false questionnaire answers to Balboa Insurance, now QBE First, on April 8, 2011. Not only did he fail to inform Mr. Orm of the joyriding conviction, but also failed to mention that he was currently charged with drunk driving. The Balboa questionnaire question had no exception to reporting all current criminal charges, including driving while intoxicated offenses. This directly resulted in Mr. Orm transmitting an application on Roberts' behalf that omitted the joyriding conviction. It took Mr. Orm from April 8, 2011 until April 29, 2011 to file the application with the Commissioner. At no time during that interval did Roberts realize his mistake and inform Mr. Orm of the 1992 conviction. Then he again lied, this time to Alan Singer, flatly denying any knowledge of or participation in the preparing of the Washington application. Among the falsehoods he told Mr. Singer, Roberts said that he knew of no standard procedure used at Balboa to prepare and submit applications and

renewals to state regulators. Robert's email to Mr. Orm on April 8, 2011 clearly indicates that he knew that questionnaires were how the information was obtained for Balboa contractors, since he re-sent to Mr. Orm the one he'd filled out the year before when he lost the current one he'd received from Mr. Orm. Apparently Roberts' memory failed him that year, as well.

Roberts takes exactly zero responsibility for these failures to tell the truth. Moreover, he falsely blames Mr. Orm for the omission, the person who was only following the company procedure that was well established, providing only Roberts' own answers. Then he lashes out at the Commissioner for simply doing his job.

Had the Commissioner known of the repeated lies told by Roberts in connection with this conviction and license application, he never would have let the matter go for a fine of \$250. This is serious misconduct, not an inconsequential omission of an old conviction when he was a young man in college. That was then, this is now. Roberts is in his forties, now. Candidly admitting mistakes is part of integrity. Refusing to take responsibility and blaming an innocent party instead, is the antithesis of integrity. The Washington legislature states, in the first chapter of the Insurance Code that,

“The business of insurance is one affected by the public interest, requiring that all persons be actuated by good faith, abstain from deception, and practice honesty and equity in all insurance matters. Upon the insurer, the insured, their providers, and their representatives rests the duty of preserving inviolate the integrity of insurance.” RCW 48.01.030.

If Roberts repeatedly lies about something as minor as an old joyriding conviction, what else will he lie about, when the stakes are higher? Can anyone, including his insurer, trust him after he lied to them at least twice? When his lies appear to be losing traction, does he cry foul with baseless accusations of bias and “bad faith”? As an independent adjuster, can he be trusted to truthfully report on claims to the insurer he works for? This man has proven that he is unfit to have an adjuster license in Washington. Roberts' ill-gotten independent adjuster license must be revoked.

III. Exhibits to be Presented

- Exhibit 1 Application for nonresident independent adjuster license dated April 29, 2011. (2 pgs.)
- Exhibit 2 Email from Mike Orm to Marcia Stickler dated March 2, 2012, including emails between Mr. Orm and Roberts on March 28, 2011 and April 8, 2011. (2 pgs.)
- Exhibit 3 Balboa Insurance's Adjuster License Questionnaire completed by Roberts and submitted to Mike Orm on or before April 8, 2011. (2 pgs)
- Exhibit 4 Background check response from the FBI dated May 20, 2011. (7 pgs.)
- Exhibit 5 Kansas Misdemeanor Conviction for joyriding dated May 21, 1992 and Wichita Police Department Conviction Information dated June 10, 2010. (2 pgs.)
- Exhibit 6 Undated letter from Roberts faxed to Alan Singer on January 17, 2012. (3 pgs.)
- Exhibit 7 Email from Roberts to Cheryl Penn dated November 3, 2011. (1 pg.)
- Exhibit 8 OIC Consent Order offered to Roberts on February 3, 2012. (4 pgs.)
- Exhibit 9 Email from Roberts to Marcia Stickler dated February 29, 2012. (1 pg.)
- Exhibit 10 OIC Notice of Hearing dated March 2, 2012. (3 pgs.)
- Exhibit 11 Email from Marcia Stickler to Roberts dated March 6, 2012 (1 pg.)

Respectfully Submitted this 2^d day of May, 2012.



Marcia G. Stickler

Legal Affairs Division

Office of the Insurance Commissioner

(360) 725-7048 or MarciaS@oic.wa.gov

APPLICATION SUMMARY

INDIVIDUAL INFORMATION

Application Type Original Application Transaction # 166374 Application Date 04/29/2011
 Licensee Name Roberts, Auturo DOB 11/29/1970
 Resident Licensee? N Resident License State TX US Citizen? Y
 NPN # WAOIC # CRD #

| Submitter Name | Firm Name | City | State | Zip |
|----------------|-----------|--------|-------|-------|
| Orm, Mike | | Irvine | CA | 92612 |

ADDRESS DETAILS

| Mailing Address | Business Address | Residence Address |
|-------------------------------------------------------------------|-------------------------------------------------------------------|----------------------------------------|
| 7105 CORPORATE DR, BLDG A PLANO TX 75024 PHONE:949-222-8000 | 7105 CORPORATE DR, BLDG A PLANO TX 75024 PHONE:949-222-8000 | 13830 CASTLEGATE DR FRISCO TX 75035 |
| auturo.roberts@balboainsurance.com | auturo.roberts@balboainsurance.com | |

| License Type | Lines | Represent |
|----------------------|-------|-----------|
| Independent Adjuster | N/A | Y |

Independent Adjuster

| Employer Name | City | State | Country | Position Held | Start Date | End Date |
|------------------------|--------|------------|---------------|-----------------|------------|------------|
| Amica Insurance | Plano | Texas | United States | Claims Adjuster | 08/01/2006 | 03/01/2008 |
| Balboa Insurance Group | Irvine | California | United States | Claims Adjuster | 03/01/2008 | |
| US Staffing | Plano | Texas | United States | Claims Adjuster | 11/01/2005 | 08/01/2006 |

Q.No. Question Response

- | | | |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| 1. | Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime? | No |
| 2. | Have you ever been named or involved as a party in an administrative proceeding regarding any professional or occupational license or registration? | No |
| 3. | Has any demand been made or judgment rendered against you or any business in which you are or were an owner, partner, officer or director, or member or manager of a limited liability company, for overdue monies by an insurer, insured or producer, or have you ever been subject to a bankruptcy proceeding? Do not include personal bankruptcies, unless they involve funds held on behalf of others. | No |
| 4. | Have you been notified by any jurisdiction to which you are applying of any delinquent tax obligation that is not the subject of a repayment agreement? | No |
| 5. | Are you currently a party to, or have you ever been found liable in, any lawsuit, arbitration or mediation proceeding involving allegations of fraud, misappropriation or conversion of funds, misrepresentation or breach of fiduciary duty? | No |
| 6. | Have you or any business in which you are or were an owner, partner, officer or director, or member or manager of a limited liability company, ever had an insurance agency contract or any other business relationship with an insurance company terminated for any alleged misconduct? | No |
| 7. | Do you have a child support obligation in arrearage? | No |

APPLICATION SUMMARY

No. Attestation

1. I hereby certify that, under penalty of perjury, all of the information submitted in this application and attachments is true and complete. I am aware that submitting false information or omitting pertinent or material information in connection with this application is grounds for license revocation or denial of the license and may subject me to civil or criminal penalties.
2. Unless provided otherwise by law or regulation of the jurisdiction, I hereby designate the Insurance Commissioner to be my agent for service of process regarding all insurance matters in the respective jurisdiction and agree that service upon the Insurance Commissioner is of the same legal force and validity as personal service upon myself.
3. I further certify that I grant permission to the Insurance Commissioner for which this application is made to verify information with any federal, state or local government agency, current or former employer, or insurance company.
4. I further certify that, under penalty of perjury, a) I have no child support obligation, b) I have a child support obligation and I am currently in compliance with that obligation, or c) I have identified my child support obligation arrearage on this application.
5. I authorize the jurisdictions to give any information concerning me, as permitted by law, to any federal, state or municipal agency, or any other organization and I release the jurisdictions and any person acting on their behalf from any and all liability of whatever nature by reason of furnishing such information.
6. I acknowledge that I understand and comply with the insurance laws and regulations of the jurisdictions to which I am applying for licensure/registration.
7. For Non-Resident License Applications, I certify that I am licensed and in good standing in my home state/resident state for the lines of authority requested from Washington State.
8. I hereby certify that upon request, I will furnish the jurisdiction(s) to which I am applying, certified copies of any documents attached to this application or requested by the jurisdiction(s).

| Fee Description | Fee (in USD) |
|------------------------------------|-----------------|
| License Fee (Independent Adjuster) | \$50.00 |
| Fingerprint Processing Fee | \$45.25 |
| Filing Fee | \$5.00 |
| Total Fee | \$100.25 |

Stickler, Marcia (OIC)

From: Orm, Mike J - Balboa [mike.orm@balboainsurance.com]
Sent: Friday, March 02, 2012 3:19 PM
To: Stickler, Marcia (OIC)
Subject: WA Application - Auturo Robert
Attachments: E-mail Auturo Roberts.pdf; a.roberts.pdf

Hello Marcia,

The first attachment is the correspondence between myself and Auturo Roberts. The second attachment is what I had Mr. Roberts complete and sent back to me. I have redacted his NPPI information. Please let me know if you require additional information.

Mike Orm
Senior Operations Analyst
QBE FIRST

Phone: 949.222.8220
Fax: 949.222.8716
E-mail: mike.orm@balboainsurance.com
Web: www.qbefirst.com



NOTICE: The information contained in this electronic mail transmission is intended by the sender for the sole use of the named individual or entity to which it is directed and may contain information that is privileged or otherwise confidential. Please do not copy it or use it for any purposes, or disclose its contents to any other person. To do so could violate state and Federal privacy laws. If you have received this electronic mail transmission in error, please delete it from your system without copying or forwarding it, and notify the sender of the error by reply email or by telephone, so that the sender's address records can be corrected. Thank you for your cooperation.

This communication may contain privileged and/or confidential information. It is intended solely for the use of the addressee. If you are not the intended recipient, you are strictly prohibited from disclosing, copying, distributing or using any of this information. If you received this communication in error, please contact the sender immediately and destroy the material in its entirety, whether electronic or hard copy. This communication may contain nonpublic personal information about consumers subject to the restrictions of the Gramm-Leach-Bliley Act. You may not directly or indirectly reuse or re-disclose such information for any purpose other than to provide the services for which you are receiving the information.

On [June 1, 2011], substantially all of the Balboa Insurance Group business, other than its life, credit and certain other businesses, was acquired by QBE Insurance Corporation and its affiliates (collectively, "QBE"). If the sender of this email is an employee of QBE, please note that the sender is no longer affiliated with Balboa Insurance Company or its affiliates, and you should direct any questions related to this communication or the servicing of your account to the Office of the General Counsel, QBE FIRST, 210 Interstate North Parkway, Atlanta, Georgia 30339.

Orm, Mike J - Balboa

From: Roberts, Auturo
Sent: Friday, April 08, 2011 1:47 PM
To: Orm, Mike J
Subject: RE: Adjuster License Questionnaire Updated

I could not find the last one you sent me, so I sent a copy of the last one I sent you last year some time.

Auturo Roberts
Claims Rep III
Homeowners Claims - Plano

972-526-2244 Office
866-336-9054 Fax
auturo.roberts@balboainsurance.com

From: Orm, Mike J
Sent: Friday, April 08, 2011 3:46 PM
To: Roberts, Auturo
Subject: RE: Adjuster License Questionnaire Updated

Robert,

This is not the Adjuster Questionnaire I sent you.

This communication from Balboa Insurance Group – may contain privileged and / or confidential information. It is intended solely for the use of the addressee. If you are not the intended recipient, you are strictly prohibited from disclosing, copying, distributing or using any of this information. If you receive this communication in error, please contact the sender immediately and destroy the material in its entirety, whether electronic or hard copy. This communication may contain nonpublic personal information about customers subject to the restrictions of the Gramm-Leach-Bliley Act. You may not directly or indirectly reuse or re-disclose such information for any purpose other than to provide the services for which you are receiving the information.

From: Roberts, Auturo
Sent: Monday, March 28, 2011 11:03 AM
To: Orm, Mike J
Subject: Adjuster License Questionnaire Updated

Please contact me if you have any questions concerning this email or if I may be of further assistance.

Auturo Roberts
Claims Rep III
Homeowners Claims - Plano

972-526-2244 Office
866-336-9054 Fax
7105 Corporate Drive
Mail Code: TX2-973-05-17
Plano, TX 75024

This communication from Balboa Insurance Group – may contain privileged and / or confidential information. It is intended solely for the use of the addressee. If you are not the intended recipient, you are strictly prohibited from disclosing, copying, distributing or using any of this information. If you receive this communication in error, please contact the sender immediately and destroy the material in its entirety, whether electronic or hard copy. This communication may

IF E-MAILING THIS DOCUMENT, YOU MUST ENCRYPT.



Adjuster License Questionnaire

| | | | | | | |
|----------------------------------------------------------------------------------------------|--------|---------|-------------------------------------|-----------------|-----------------------------------------------|--------------------------|
| LEGAL NAME | | | SOCIAL SECURITY # | | DOB | |
| Auturo | | Roberts | | | | |
| First | Middle | Last | | | | |
| E-Mail Address auturo.roberts@balboainsurance.com | | | Supervisor Name Richard Schaefer | | | |
| HOME ADDRESS | | | | | | |
| HOME PHONE # | | | BUSINESS PHONE# | | | |
| ARE YOU A US CITIZEN? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> | | | MAIDEN NAME | | PLACE OF BIRTH (City, State) St. Peter, FL | |
| <input type="checkbox"/> EMPLOYMENT HISTORY LAST 5 YEARS | | | | | | |
| | | | From | | To | |
| | | | Month | Year | Month | Year |
| Name | | | | | | |
| City | Irvine | State | CA | Foreign Country | | <input type="checkbox"/> |
| Name | | | | | | |
| City | Plano | State | TX | Foreign Country | | |
| Name | | | | | | |
| City | Plano | State | TX | Foreign Country | | |
| Name | | | | | | |
| City | | State | | Foreign Country | | |
| RESIDENCE HISTORY LAST 5 YEARS | | | | | | |
| | | | From | | To | |
| | | | Month | Year | Month | Year |
| Address | | | | | | |
| City | Plano | State | TX | Foreign Country | 1 | 2003 Present |
| Address | | | | | | |
| City | Frisco | State | TX | Foreign Country | 8 | 2008 Present |
| Address | | | | | | |
| City | | State | | Foreign Country | | |
| Address | | | | | | |
| City | | State | | Foreign Country | | |
| See Background Questions Below | | | | | | |

IF E-MAILING THIS DOCUMENT, YOU MUST ENCRYPT.

| | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|
| Have you ever been convicted of, or are you currently charged with, committing a crime, whether or not adjudication was withheld? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| Have you or any business in which you are or were an owner, partner, officer or director ever been involved in an administrative proceeding regarding any professional or occupational license? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| Has any demand been made or judgment rendered against you for overdue monies by an insurer, insured or producer, or have you ever been subject to a bankruptcy proceeding? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| Have you been notified by any jurisdiction to which you are applying of any delinquent tax obligation that is not the subject of a repayment agreement? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| Are you currently a party to, or have you ever been found liable in, any lawsuit or arbitration proceeding involving allegations of fraud, misappropriation or conversion of fund, misrepresentation or breach of fiduciary duty? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| Have you or any business in which you are or were an owner, partner, officer or director ever had an insurance agency contract or any other business relationship with an insurance company terminated for any alleged misconduct? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| Do you have a child support obligation in arrearage that is currently subject to a repayment agreement or are you subject to a child support related subpoena/ warrant? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |

*Note - If you answered "Yes" to any of the above questions, please provide a summary with full details(include place and date of occurrence) and supporting documents (ie, court documents).

Type of Transaction: NFUF
Date Transaction Initiated: 05202011
Transaction Control Number: WA4099200005995867
Transaction Control Reference: E2011140000000130393
FBI Number: 494133KA7
Name: ROBERTS, AUTURO D
Employer and Address: 34 ST INSUR COMM

Electronic RapSheet: UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
CRIMINAL JUSTICE INFORMATION SERVICES DIVISION
CLARKSBURG, WV 26306

WA920090Z
TCN WA4099200005995867

ICN E2011140000000130393

THE ENCLOSED RECORD, DATED 2011/05/20, WITH THE FBI NUMBER 494133KA7 AND IAFIS CONTROL NUMBER (ICN) E2011140000000130393 IS BEING PROVIDED AS THE RESULT OF CIVIL RETURN IDENT TEN-PRINT SUBMISSION.

A CRIMINAL HISTORY REQUEST NOTIFICATION(S) WAS SENT BY THE FBI TO THE FOLLOWING ORGANIZATIONS, EXCEPT FOR THOSE INDICATING THAT THE REFERENCED SUBJECT IS DECEASED.

FLORIDA - STATE ID/FL03543950
KANSAS - STATE ID/KS00477761
FBI - FBI/494133KA7

SINCE THIS RESPONSE CONTAINS NATIONAL FINGERPRINT FILE (NFF) REGULATED DATA, THE RESPONSE MAY NOT BE COMPLETE. IF THE RESPONSE IS INCOMPLETE, PLEASE CONTACT THE CRIMINAL JUSTICE INFORMATION SERVICES DIVISION OR THE STATE BUREAU(S) TO REQUEST A COMPLETE RECORD.

WA920090Z
COMMISSIONER
STATE INSURANCE
PO BOX 40257

EXHIBIT

4
PAGE 1

OLYMPIA, WA 98504-0257

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
CRIMINAL JUSTICE INFORMATION SERVICES DIVISION
CLARKSBURG, WV 26306

WA920090Z

ICN E2011140000000130393

TCN WA4099200005995867

THE FBI IDENTIFIED YOUR TEN-PRINT SUBMISSION WHICH CONTAINED
THE FOLLOWING DESCRIPTORS:

NAME ROBERTS, AUTURO

DATE ARRESTED/FINGERPRINTED 2011/04/25

| SEX | RACE | BIRTH DATE | HEIGHT | WEIGHT | EYES | HAIR |
|-----|------|------------|--------|--------|-------|-------|
| M | B | 1970/11/29 | 510 | 195 | BROWN | BROWN |

| STATE ID | BIRTH PLACE |
|----------|-------------|
| | FLORIDA |

CITIZENSHIP
UNITED STATES

| OTHER BIRTH DATES | SCARS-MARKS-TATTOOS | SOCIAL SECURITY | MISC NUMBERS |
|-------------------|---------------------|-----------------|--------------|
| NONE | NONE | 262-69-1543 | NONE |

ALIAS NAME(S)
NONE

EXHIBIT 4 PAGE 2

END OF COVER SHEET

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
CRIMINAL JUSTICE INFORMATION SERVICES DIVISION
CLARKSBURG, WV 26306

WA920090Z

ICN E201114000000130393

BECAUSE ADDITIONS OR DELETIONS MAY BE MADE AT ANY TIME, A NEW COPY SHOULD BE REQUESTED WHEN NEEDED FOR SUBSEQUENT USE.

THIS RECORD IS SUBJECT TO THE FOLLOWING USE AND DISSEMINATION RESTRICTIONS

UNDER PROVISIONS SET FORTH IN TITLE 28, CODE OF FEDERAL REGULATIONS (CFR), SECTION 50.12, BOTH GOVERNMENTAL AND NONGOVERNMENTAL ENTITIES AUTHORIZED TO SUBMIT FINGERPRINTS AND RECEIVE FBI IDENTIFICATION RECORDS MUST NOTIFY THE INDIVIDUALS FINGERPRINTED THAT THE FINGERPRINTS WILL BE USED TO CHECK THE CRIMINAL HISTORY RECORDS OF THE FBI. IDENTIFICATION RECORDS OBTAINED FROM THE FBI MAY BE USED SOLELY FOR THE PURPOSE REQUESTED AND MAY NOT BE DISSEMINATED OUTSIDE THE RECEIVING DEPARTMENT, RELATED AGENCY OR OTHER AUTHORIZED ENTITY. IF THE INFORMATION ON THE RECORD IS USED TO DISQUALIFY AN APPLICANT, THE OFFICIAL MAKING THE DETERMINATION OF SUITABILITY FOR LICENSING OR EMPLOYMENT SHALL PROVIDE THE APPLICANT THE OPPORTUNITY TO COMPLETE, OR CHALLENGE THE ACCURACY OF, THE INFORMATION CONTAINED IN THE FBI IDENTIFICATION RECORD. THE DECIDING OFFICIAL SHOULD NOT DENY THE LICENSE OR EMPLOYMENT BASED ON THE INFORMATION IN THE RECORD UNTIL THE APPLICANT HAS BEEN AFFORDED A REASONABLE TIME TO CORRECT OR COMPLETE THE INFORMATION, OR HAS DECLINED TO DO SO. AN INDIVIDUAL SHOULD BE PRESUMED NOT GUILTY OF ANY CHARGE/ARREST FOR WHICH THERE IS NO FINAL DISPOSITION STATED ON THE RECORD OR OTHERWISE DETERMINED. IF THE APPLICANT WISHES TO CORRECT THE RECORD AS IT APPEARS IN THE FBI'S CJIS DIVISION RECORDS SYSTEM, THE APPLICANT SHOULD BE ADVISED THAT THE PROCEDURES TO CHANGE, CORRECT OR UPDATE THE RECORD ARE SET FORTH IN TITLE 28, CFR, SECTION 16.34.

- FBI IDENTIFICATION RECORD -

WHEN EXPLANATION OF A CHARGE OR DISPOSITION IS NEEDED, COMMUNICATE DIRECTLY WITH THE AGENCY THAT FURNISHED THE DATA TO THE FBI.

| NAME | FBI NO. | DATE REQUESTED |
|-------------------|-----------|----------------|
| ROBERTS, AUTURO D | 494133KA7 | 2011/05/20 |

| SEX | RACE | BIRTH DATE | HEIGHT | WEIGHT | EYES | HAIR |
|-----|------|------------|--------|--------|------|------|
| M | B | 1970/11/29 | 509 | 140 | BRO | BLK |

BIRTH PLACE

EXHIBIT 4

PAGE 3 of 7
PAGE 3

FLORIDA

| FINGERPRINT CLASS | PATTERN CLASS | CITIZENSHIP |
|-------------------|-------------------------------|---------------|
| DO PI 12 PI PO | WU WU RS WU RS WU LS LS WU LS | UNITED STATES |
| PI 10 14 PI 13 | RS WU LS WU | |

END OF PART 1 - PART 2 TO FOLLOW

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
CRIMINAL JUSTICE INFORMATION SERVICES DIVISION
CLARKSBURG, WV 26306

WA920090Z
PART 2

ICN E2011140000000130393

- FBI IDENTIFICATION RECORD - FBI NO-494133KA7

1-ARRESTED OR RECEIVED 2010/10/02 SID- TX08692998
AGENCY-POLICE DEPARTMENT DALLAS (TXDPD0000)
AGENCY CASE-9175452928
CHARGE 1-DRIVING WHILE INTOXICATED 49.04 PC

RECORD UPDATED 2011/05/20

EXHIBIT 4

PAGE 4

ALL ARREST ENTRIES CONTAINED IN THIS FBI RECORD ARE BASED ON FINGERPRINT COMPARISONS AND PERTAIN TO THE SAME INDIVIDUAL.

THE USE OF THIS RECORD IS REGULATED BY LAW. IT IS PROVIDED FOR OFFICIAL USE ONLY AND MAY BE USED ONLY FOR THE PURPOSE REQUESTED.

HDR/2L01523383841

ATN/E201114000000013039352338385

***** CRIMINAL HISTORY RECORD *****

Data As Of 2011-05-20

***** Introduction *****

This rap sheet was produced in response to the following request:

FBI Number 494133KA7
State Id Number FL03543950 (FL)

Request Id 0000130393
Purpose Code I
Attention E201114000000013039352338385

The information in this rap sheet is subject to the following caveats: BECAUSE ADDITIONS OR DELETIONS MAY BE MADE AT ANY TIME, A NEW COPY SHOULD BE REQUESTED WHEN NEEDED FOR FUTURE USE (FL)

THIS RECORD CONTAINS FLORIDA INFORMATION ONLY. WHEN EXPLANATION OF A CHARGE OR DISPOSITION IS NEEDED, COMMUNICATE DIRECTLY WITH THE AGENCY THAT CONTRIBUTED THE RECORD INFORMATION. THIS RECORD MAY ONLY BE USED FOR LICENSING/ EMPLOYMENT PURPOSES AS DEFINED BY THE CODE OF FEDERAL REGULATIONS. (FL)

THIS IS A MULTI-SOURCE OFFENDER RECORD. (FL)

***** IDENTIFICATION *****

Subject Name(s)

ROBERTS, AUTURO DENEL

Subject Description

FBI Number 494133KA7
State Id Number FL03543950 (FL)

Social Security Number 262691523

Sex Male Race Black
Height 5'11" Weight 150 Date of Birth 1970-11-29
Hair Color Black Eye Color Brown Fingerprint Pattern DOPI12PIPOPI1014PI13 (FPC)

Place of Birth FLORIDA

Employment Occupation COOK

Employer
Residence
Residence as of

2214 119 ST N, LARGO, FL

Fingerprint Images

***** CRIMINAL HISTORY *****

===== Cycle 001 =====

Tracking Number 001
Earliest Event Date 1992-01-26

Arrest Date 1992-01-26
Arrest Case Number 260040
Arresting Agency FL0520600
INDIAN ROCKS BEACH POLICE DEPARTMENT
Arrest Type ADULT
Charge 001
 Charge Number 260040
Charge Tracking Number 0004385909
 Charge Literal VEHICLE THEFT-
 Agency FL0520600
INDIAN ROCKS BEACH POLICE DEPARTMENT
 Charge Description AUTO
 NCIC Offense Code 2404
 Counts 001
 Severity FELONY
Disposition (Unknown 1992-01-26; Unknown
)

***** INDEX OF AGENCIES *****

Agency INDIAN ROCKS BEACH POLICE DEPARTMENT

;

FL0520600;
UNKNOWN CONTACT

Address

* * * END OF RECORD

HDR/2L01523383841

ATN/E201114000000013039352338385

THIS ACKNOWLEDGMENT PERTAINS TO SID/KS00477761.

KANSAS CRIMINAL HISTORY WAS OFFLINE OR UNAVAILABLE WHILE PROCESSING
YOUR REQUEST. IF YOU DO NOT RECEIVE A RESPONSE WITHIN 1 HOUR, PLEASE
RESUBMIT YOUR INQUIRY.

END OF RECORD

This message is transmitted to the licensing agency. The message has the FBI
response to a national fingerprint search with the FBI Identification number and
other relevant information.

ORIGINAL COPY

IN THE MUNICIPAL COURT OF THE CITY OF WICHITA

CASE NO. 91-087725

STATE OF KANSAS

COUNTY OF SEDWICK

Date Entered: 05/21/1992

City of Wichita

Address: 3213 11TH N WICHITA, KS 67214

Arrest/Served Date: 5/11/92

Location: WICHITA

Officer: W/M 11/29/1990

Plat. Districts:

Ident. No. _____ Searched By: _____

Wanted Not Wanted Detainable

| OFFENSES CHARGED | PLEA | | | | FINDING OF COURT | | | | JUDGMENT OF THE COURT | |
|-------------------------------------|--------|------------|-------|--|------------------|------------|-------|------------|-----------------------|----------|
| | GUILTY | NOT GUILTY | OTHER | | GUILTY | NOT GUILTY | DISM. | BOND FORF. | FINE | SENTENCE |
| First Appearance: 01/07/1992 (CARR) | | | | | | | | | Days | Months |
| 0944015 | | | | | | | | | 200 | 3 |
| 0542080 TEMPORARY DEPRIVATION | | | | | | | | | | |

FINAL DISPOSITION DATE: 5/21/92

EXHIBIT 5 PAGE 1



CITY OF
WICHITA

Police Department

JUNE 10, 2010

Wichita Police Department
Records Bureau
5th Floor
455 N. Main
Wichita, KS 67202
(316) 268-4186

IN REFERENCE TO:

NAME: ROBERTS, AUTURO DENEL

DATE OF BIRTH: 11/29/1970

SOCIAL SECURITY NUMBER: XXX-XX-1543

Race: BLACK Sex: MALE

ALIAS/MAIDEN NAME:

TRANSCRIPT OF CONVICTION INFORMATION

TO WHOM IT MAY CONCERN:

RECORD INFORMATION SHOWN IS THE RESULT OF A CHECK OF ARREST FILES OF THE WICHITA POLICE DEPARTMENT AND INCLUDES OPEN ARREST INFORMATION RESULTING IN A CONVICTION WITHIN THE LAST TEN (10) YEARS.

Information provided is based on a comparison of our records with the name, race, sex, age, date of birth, and social security number provided by you and/or your company and, to the best of our knowledge, the information provided belongs to the applicant. Since the applicant was not fingerprinted, the Wichita Police Department cannot state with certainty that the record belongs to the applicant.

THE ABOVE LISTED PERSONS HAS:

THE ABOVE LISTED PERSONS HAS:

NO CONVICTION (S) THROUGH WICHITA POLICE DEPARTMENT RECORDS BUREAU.

THE FOLLOWING CONVICTION (S) INFORMATION THROUGH THE WICHITA POLICE DEPARTMENT RECORDS BUREAU:

| <u>Arrest Date</u> | <u>Charges</u> | <u>Disposition</u> |
|--------------------|------------------------------|--------------------|
| 04/14/1989 | POSSESS COCAINE (HFSW) | REL WOP 4/17/1989 |
| 8/1/1991 | TEMPORARY DEPRIVATION OF VEH | GUILTY 7/1/1992 |
| 4/17/1993 | DEFECTIVE TAIL LIGHT | GUILTY 2/14/1994 |
| | NO DL IN POSSESSION | GUILTY 2/14/1994 |

WOP = Without Prosecution . Used in reference to police cases that cannot be charged within the seventy-two (72) hour time period after being booked into the Sedgwick County Correctional Facility. When an individual is WOP on any charges (s), the police department has up to the Statute of Limitation (5 years) to prosecute the case. Normally WOP charges are seen on felony (HFSW) offenses.

The above information is furnished consistent with the policy of this department established December 1, 1968.

Sincerely,


Carol Klein, V1119
Customer Service Clerk I

Auturo Roberts
13830 Castlegate Dr
Frisco, TX 76035
January 17, 2012

Alan Michael Singer
Staff Attorney, Legal Affairs
Washington State Office of the Insurance Commissioner
PO Box 40255
Olympia, WA 98504-0255

Re: File No.: 1055675

Dear Mr. Singer:

This letter is a follow-up to our conversation of January 3, 2012, in which questions were raised regarding my April 2011 nonresident insurance license application and May 2011 FBI rapsheet.

Prior to speaking to all of the relevant facts I would like to take a brief moment to provide some important information about myself given the severity of the situation. I grew up in a lower income single parent (Mother) household with four brothers. Throughout my childhood I made a fair amount of mistakes; however, I have also learned life lessons on the way to adulthood. After graduating from Wichita State University I relocated to Dallas, TX where I met my wife of five (5) years. We are the proud parents of two (2) boys (Zakary 14 & Nicholas 9) who are active in football, band, video games and Sunday school. Growing up in a single parent household I learned that a father plays an important role so, I try to be the best father and provider as I can. Some of my responsibilities include being the primary source of income, taxi driver for the kids and participating in community activities.

April 2011 Application Clarification

In the first quarter of 2011 my employer Bank of American sold Balboa Insurance ("Balboa") which was the insurance arm of the business to QBE First. QBE First is more of an equity company so, all of the Insurance Adjusters (150+) were required to obtain approximately ten (10) additional licenses as Independent Adjusters in a relatively short amount of time. One of those states included the state of WA.

On January 4, 2012, I asked the Senior Operation Analyst, Mike Orr of QBE First, who is responsible for managing the licensees for the company to provide me with a copy of all of the information regarding my nonresident WA license application. Mr. Orr advised me that my application was done online through the WA's state website, so there are no copies of my application. In addition, Mr. Orr explained that he applied for the application on my behalf and Balboa provided the application fee. Attached are copies of Mr. Orr's email exchange for your review and file.

Balboa does not have a standard operating procedure in regards to obtaining new licenses that I am aware of. In addition, the entire company went through a mad dash to obtain ten new licenses; therefore, when I was originally asked to provide additional information by your office, I provided an explanation as to what I thought to be true at the time. Based on the above facts it appears that Mr. Orr, (not I) unknowingly submitted an "incomplete" application to the state of WA.

Auturo Roberts
January 17, 2012
Page 2

May 2011 FBI Rapsheet

Charge: Vehicle Theft

In 1991, as an impressionable freshman at Wichita State University my best friend and I went to one of the local automobile dealerships under the pretense of purchasing a used car. The dealership afforded us permission to drive the vehicle off the lot to test drive it, but as part of a fraternity initiation we kept the car longer than we should have. During that time the dealership reported the automobile stolen.

On 8/1/1991, I was caught driving the automobile by the Indian Rocks Beach Police Department in Florida and arrested for felony vehicle theft. Since the dealership did not press any charges, and there was no damage to the property I was advised to return to the jurisdiction where the offense and theft originated which was the state Kansas (KS). I went to court and took responsibility for my immature behavior and very poor judgment. Based on the nature of the case, lack of criminal background and the dealership choosing not to press charges the Judge showed leniency during sentencing.

On 7/1/1992, I pled guilty to "Temporary Deprivation of Vehicle" and my sentence included three (3) months of non-reporting probation, one hundred (\$100) fine and guilty of a misdemeanor. Enclosed are a copy of The State of Kansas' final disposition of the case, Kansas Statute and email communication from the records department for your review and file.

Charge: Driving While Intoxicated

On 2/10/2010, I was arrested by the Dallas, TX Police Department for driving while intoxicated ("DUI"). The morning of my arrest I attended both of my son's football games. In addition, later that evening I drove approximately thirty-five (35) miles to watch the Texas Longhorns play the Oklahoma Sooners. Needless to say I was pulled over and arrested for DUI. I paid the Law Office of John Gioffredi & Associates \$6,500.00 as a retainer to dispute the charges. The case has been rescheduled for approximately eleven (11) months given the courts' backlog. The disposition that we are asking the courts is either dismissal or a plea deal for a non-moving violation. I was advised by my counsel not to pro-actively report the facts of the case, because we are still trying to seek a favorable resolution.

Closing

In conclusion, I have been a reputable insurance Adjuster for seven (7) years and I understand the importance of unwavering ethical behavior. The submission of the incomplete application was not intentionally submitted to try and mislead the state of WA. The transition of two companies and the lack of standard operating procedures appear to have contributed to the application being submitted prematurely.

Since I have not been convicted of any felonies and or charged with any unethical behavior I am humbly asking that the Washington Insurance Commissioner office consider resending my incomplete application so, that I (Not Mr. Orr) may be given an opportunity to complete the form.

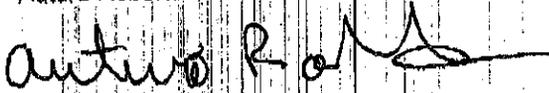
Auturo Roberts
January 17, 2012
Page 3

In order for me to be able to complete my job function a WA insurance license is required. Without a license employment termination is a very serious possibility. I am respectfully asking that the Commissioner's office weight all the facts before making a decision. A denial of a license would put an undue burden not only on me due to the down job market, but also my entire family, because I am the primary source of income.

I would greatly appreciate any empathy and understanding that can be provided given the sensitivity of the situation.

Sincerely,

Auturo Roberts



Enclosures:

- Mike Orm's Email Response, 3pgs
- Copy of Record Request from Wichita, 3pgs
- The State of Kansas Court Information, 1pg
- Kansas Statues - Auto Theft, 1pg

Penn, Cheryl (OIC)

From: Roberts, Auturo - Balboa [auturo.roberts@balboainsurance.com]
Sent: Thursday, November 03, 2011 8:16 AM
To: Penn, Cheryl (OIC)
Subject: Criminal History Explanation
Attachments: Auturo Roberts.pdf; 5.42.080 Criminal Deprivation of Property.pdf

Cheryl,

The intent of this email is to try and provide clarification regarding a January 1992 arrest for felony vehicle theft and the case disposition.

FACTS

In 1991, as an impressionable freshman at Wichita State University my best friend and I went to one of the local automobile dealerships under the pretense of purchasing a used car. The dealership afforded us permission to drive the vehicle off the lot to test drive it, but as part of a fraternity initiation we kept the car longer than we should have. During that time the dealership reported the automobile stolen.

On 8/1/1991, I was caught driving the automobile and arrested for felony vehicle theft. I went to court and took responsibility for my immature behavior and very poor judgment. Based on the nature of the case, lack of criminal background and the dealership choosing not press charges the Judge showed leniency during sentencing.

On 7/1/1992, I pled guilty to TEMPORARY DEPRIVATION OF VEHICLE. My sentence included three (3) months of non-reporting probation, one hundred (\$100) fine and guilty of a misdemeanor.

CONCLUSION

I did not include the above information on my insurance license application, because I was unaware of the requirement to lists misdemeanor convictions. In addition, the courts indicated that the conviction would not show up on my record if I adhered to the courts requirements of my conviction, in which I did. Further, I honestly forgot about the incident at the time of completing the application given the fact that it occurred approximately nineteen (19) years ago.

Attached are all of the information I could obtain from the State of Kansas District Courts and Police Department that speaks to the said conviction. I hope the information provides the requested explanation that is needed in order to keep my license active.

Growing up in a lower income single parent household with four siblings (all boys) I've made my fair share of mistakes; however, I have also learned from those same poor choices. After the misdemeanor conviction I rechanneled my energy and graduated from college making my wonderful mother proud. Today I'm a proud husband, father of two boys and an active person in my community. In order for me to be able to complete my job function a WA insurance license is required. I am respectfully asking that you weight all the facts before making a decision.

Thank you for your consideration.

Auturo Roberts
Claims Specialist
QBE First
972-526-2244 fax 866-366-9054
auturo.roberts@balboainsurance.com
Visit us on the Web at www.qbefirst.com

EXHIBIT

7

PAGE

1

MIKE KREIDLER
STATE INSURANCE COMMISSIONER

STATE OF WASHINGTON

Phone: (360) 725-7000
www.insurance.wa.gov



OFFICE OF
INSURANCE COMMISSIONER

February 3, 2012

VIA US MAIL AND VIA EMAIL (auturo_roberts@yahoo.com)

Auturo Roberts
13830 Castlegate Drive
Frisco, TX 75035
auturo_roberts@yahoo.com

RE: Auturo Roberts
Proposed Consent Order No. 12-0028

Dear Mr. Roberts:

Enclosed are two originals of Washington State Office of Insurance Commissioner's Consent Order Levying a Fine. This Order will result in you being required to pay a fine in lieu of other action relative to your license.

If you wish to resolve this matter, please sign and return both of the original Orders. Upon receipt, the Orders will be signed by me, entered with our office, and one of the executed originals will be returned to you for your records. You will then have 30 days in which to pay the fine. If you wish to include payment with the Orders, please make your check payable to the Office of the Insurance Commissioner and mail to Delia Zebroski, Fiscal Analyst, Operations Division, PO Box 40255, Olympia, Washington 98504-0255 or deliver to 5000 Capitol Blvd., Tumwater, WA 98501. Otherwise, please send your correspondence to my attention. Pursuant to RCW 48.17.560, you will have 30 days from the date the order is entered to pay the fine.

As this is a settlement proposal, please note that if the matter proceeds to a contested hearing, while a lower fine or more favorable outcome may result, a higher fine or other less favorable action relative to your license may also be sought and imposed. If you prefer a contested hearing, please advise. If we have not received the signed documents by **Tuesday February 21, 2012**, this offer is withdrawn and we will proceed with further action relative to your license.

If you have any questions regarding this matter, please feel free to contact me at (360) 725-7046.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan Michael Singer".

Alan Michael Singer, Staff Attorney
Legal Affairs Division

Enclosures

Mailing Address: P. O. Box 40255, Olympia, WA 98504-0255
Street Address: 5000 Capitol Blvd., Tumwater, WA 98501

EXHIBIT

PAGE 1





OFFICE OF
INSURANCE COMMISSIONER

IN THE MATTER OF

AUTURO ROBERTS,

Respondent.

ORDER NO. 12-0028

CONSENT ORDER
LEVYING A FINE

The Insurance Commissioner of the State of Washington, pursuant to the authority set forth in Title 48 RCW, having reviewed the official records and files of the Office of the Insurance Commissioner ("OIC"), makes the following:

FINDINGS OF FACT:

1. Auturo Roberts is a licensed adjuster. He holds nonresident license No. WAOIC 785594.
2. On April 29, 2011, OIC received a nonresident adjuster license application for Mr. Roberts. The application was completed online by another person. The application question "[h]ave you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime?" was answered "no." A license was issued that same day. A few weeks later, OIC obtained a criminal record check for Mr. Roberts. It showed a 20-year old criminal charge. OIC staff asked Mr. Roberts to provide an explanation and relevant court records, and he did. In 1991, as part of a fraternity initiation at a Kansas university, Mr. Roberts and a friend went to an auto dealer under the pretense of buying a car, test drove it and failed to promptly return it, resulting in Mr. Roberts receiving a misdemeanor joy-riding conviction. Although Mr. Roberts was advised at the time that this conviction would not later show up on his record if he adhered to the requirements of his conviction (which he did), the conviction remained and he forgot about it until OIC contacted him. Consequently, the person who answered the aforementioned application question, completed the application, and provided it to OIC was also unaware of the matter.

CONCLUSIONS OF LAW:

1. By providing incorrect, misleading, incomplete, or materially untrue information in his license application, Mr. Roberts violated of RCW 48.17.530(1)(a).

2. RCW 48.17.530(1)(b) provides that the Commissioner may suspend, revoke, or refuse to renew the license of an adjuster for violating any insurance laws.

3. RCW 48.17.560 provides that after a hearing or upon stipulation by the licensee, and in addition to or in lieu of suspension, revocation, or refusal to renew any such license, the Commissioner may levy a fine upon the licensee of not more than \$1,000 per violation of the insurance code.

CONSENT TO ORDER:

Licensee Auturo Roberts, acknowledging his duty to comply fully with the applicable laws of the State of Washington, consents to the following in consideration of his desire to resolve this matter without further administrative or judicial proceedings. The Insurance Commissioner consents to settle the matter in consideration of Mr. Roberts paying a fine on such terms and conditions as are set forth below.

1. Mr. Roberts consents to the entry of this Order, waives any and all hearing rights, and waives any and all further administrative or judicial challenges to this Order.

2. By agreement of the parties, the Insurance Commissioner will impose a fine of \$250.00 (Two Hundred and Fifty Dollars), to be paid by Mr. Roberts within thirty days of the entry of this Order.

3. Mr. Roberts understands and agrees that any future failure to comply with the statutes that are the subject of this Order constitutes grounds for further penalties, which may be imposed in response to further violations.

4. The failure of Mr. Roberts to timely pay the above-referenced fine or failure to adhere to all provisions set forth herein shall constitute grounds for revocation of his license, and shall result in the recovery of the fine through a civil action brought on behalf of the Insurance Commissioner by the Attorney General of the State of Washington.

EXECUTED this _____ day of _____, 2012.

AUTURO ROBERTS

By: _____

Printed Name: _____

ORDER:

Pursuant to the foregoing Findings of Fact, Conclusions of Law, and Consent to Order, the Insurance Commissioner hereby Orders as follows:

1. Licensee Auturo Roberts shall pay a fine in the amount of \$250.00 (Two Hundred and Fifty Dollars) within thirty days of the entry of this Order.

2. A failure by Mr. Roberts to pay the fine within the time limit set forth above shall result in the revocation of his license and in the recovery of the fine through a civil action brought on behalf of the Insurance Commissioner by the Attorney General of the State of Washington.

ENTERED AT TUMWATER, WASHINGTON, this ____ day of _____, 2012.

MIKE KREIDLER
Insurance Commissioner

By _____
Alan Michael Singer
Legal Affairs Division

Stickler, Marcia (OIC)

From: Auturo Roberts [auturo_roberts@yahoo.com]
Sent: Wednesday, February 29, 2012 7:20 PM
To: Stickler, Marcia (OIC)
Subject: Re: Consent Order imposing a fine of \$250

Marcia,

Bases on your department's decision to take action regarding my license my it has had an immediate adverse affect and has placed an undue burden on my family.

I am not consenting to any fine and strongly reject your departments's decisions. I am formally requesting a copy of "ALL" information, documentation, inter-department notes, meeting notes, emails, recommendation memos from "ALL" members and parties who directly or indirectly was part of the decision making process.

In addition, I am requesting a list off all 2011 cases like in nature that a fine was recommended by your department and a list of all 2011 cases like in nature that a fine was not recommended. Please lists each member who was involved in each case and or in the decision making processes and their nationality.

I strongly reject your department's recommendation and it appears the case may have been handle in bad faith.

After I receive all of the requested information I would like to schedule a hearing to discuss the facts.

Auturo Roberts
214-471-3262

On Feb 29, 2012, at 5:09 PM, "Stickler, Marcia (OIC)" <MarciaS@OIC.WA.GOV> wrote:

Good afternoon, Mr. Roberts. This is to confirm my phone call to you and give you my email contact information. I hope to speak with you soon.

Marcia Stickler

(360) 725-7048

MarciaS@oic.wa.gov

EXHIBIT

9

PAGE

1



OFFICE OF
INSURANCE COMMISSIONER

FILED

2012 FEB 21 P 1:35
Mar 2

Hearings Unit, DIC
Patricia D. Peterson
Chief Hearing Officer

In Re the Matter of

AUTURO ROBERTS,

Respondent

NO. 12-0028

NOTICE OF HEARING

TO: Auturo Roberts
13830 Castlegate Drive
Frisco, Texas 75035

The Honorable Mike Kreidler, Insurance Commissioner of the State of Washington, proposes disciplinary action against you and hereby issues this Notice of Hearing. The Insurance Commissioner submits the following as the basis of this Notice of Hearing in accordance with RCW 48.04.010.

1. PARTIES AND JURISDICTION

1.1 Pursuant to the Insurance Code, Title 48 RCW, the Insurance Commissioner is authorized to regulate the business of insurance and enforce the insurance laws of Washington State in order to protect the public interest.

1.2 Auturo Roberts is licensed as a nonresident independent adjuster and, therefore, is subject to Title 48 RCW and Chapter 284 WAC.

1.3 Jurisdiction and venue are appropriate under, among other provisions, RCW 48.02.060, RCW 48.17.560, and RCW 48.04.010.

Notice of Hearing
Page 1 of 4

EXHIBIT 10 PAGE 1

2. FACTS

2.1 On April 29, 2011, the Commissioner received a nonresident adjuster license application for Mr. Roberts. The application was completed online by another person at his place of employment. The application question “[h]ave you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime?” was answered “no.” A license was issued that same day.

2.2 A few weeks later, the Commissioner obtained a criminal record check for Mr. Roberts. It showed a 20-year old criminal conviction. In 1991, as part of a fraternity initiation at a Kansas university, Mr. Roberts and a friend went to an auto dealer under the pretense of buying a car, test drove it, and failed to promptly return it, resulting in a misdemeanor joy-riding conviction. The person who answered the aforementioned application question, completed the application, and provided it to the Commissioner was unaware of the matter.

3. APPLICABLE LAW AND ALLEGED VIOLATIONS

3.1 By providing incorrect, misleading, incomplete, or materially untrue information in his license application, Mr. Roberts violated of RCW 48.17.530(1)(a).

3.2 RCW 48.17.530(1)(b) provides that the Commissioner may suspend, revoke, or refuse to renew the license of an adjuster for violating any insurance laws.

3.3 RCW 48.17.560 provides that after a hearing or upon stipulation by the licensee, and in addition to or in lieu of suspension, revocation, or refusal to renew any such license, the Commissioner may levy a fine upon the licensee of not more than \$1,000 per violation of the insurance code.

4. SANCTIONS REQUESTED

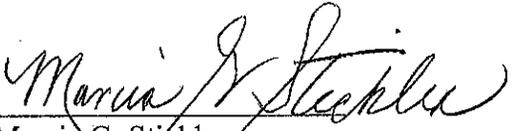
Pursuant to RCW 48.17.560, the Commissioner seeks imposition of a fine against Mr. Roberts in an amount to be determined at hearing.

5. NOTICE OF HEARING

The Commissioner will convene a hearing at a date, location, and time to be determined, to consider the allegations above and the sanctions to be imposed upon Mr. Roberts pursuant to RCW 48.04.010 and RCW 48.17.560. At the hearing, the Commissioner will present evidence showing that Mr. Roberts violated a statute effectuated by the Commissioner pursuant to his authority under RCW 48.02.060, and that the sanction requested above is authorized under the law. Mr. Roberts may cross-examine the Commissioner's witnesses and present any defenses, evidence, or arguments it may have in opposition.

Dated this 2nd day of March, 2012.

MIKE KREIDLER
Insurance Commissioner

By: 
Marcia G. Stickler
Staff Attorney
Legal Affairs Division

CERTIFICATE OF SERVICE

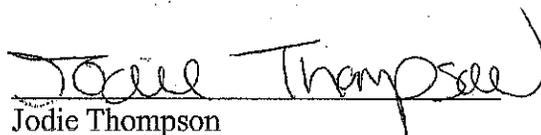
The undersigned certifies under the penalty of perjury under the laws of the State of Washington that I am now and at all times herein mentioned, a citizen of the United States, a resident of the State of Washington, over the age of eighteen years, not a party to or interested in the above-entitled action, and competent to be a witness herein.

On the date given below I caused to be served the foregoing NOTICE OF HEARING on the following individuals in the manner indicated:

Auturo Roberts
13830 Castlegate Drive
Frisco, Texas 75035
(XXX) Via U.S. Mail

Patricia Peterson, J.D., Chief Hearing Officer
Washington State Insurance Commissioner
5000 Capitol Blvd
Tumwater, WA 98501
(XXX) Via Hand Delivery

SIGNED this 2nd day of March, 2012, at Tumwater, Washington.


Jodie Thompson

Stickler, Marcia (OIC)

From: Stickler, Marcia (OIC)
Sent: Tuesday, March 06, 2012 8:42 AM
To: 'auturo_roberts@yahoo.com'
Subject: Notice of Hearing

Good Morning, Mr. Roberts. I just wanted you to know in advance that because the Consent Order has been withdrawn since you did not agree to it by the deadline of February 21, 2012, the hearing I just notified you of will seek revocation of your license rather than just a fine. I have recently received evidence that you lied to Balboa when you filled out the questionnaire provided by Mr. Orm and lied to Mr. Singer, as well. You can expect to hear from the judge's clerk, Kelly, to schedule a prehearing conference by telephone.

EXHIBIT 11 **PAGE** 1