MIKE KREIDLER
STATE INSURANCE COMMISSIONER

STATE OF WASHINGTON

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Hearing Unit, DIC
Patricia D. Petersen
Chief Hearing Officer

OFFICE OF
INSURANCE COMMISSIONER

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.

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

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
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

Jodie Thompson