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STATE OF OREGON
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
INSURANCE DIVISION

In the Matter of
PAUL B. JOINER

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)
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Case No. INS 97-11-003
STIPULATION, WAIVER AND
FINAL ORDER

STIPULATION

The Director, Oregon Department of Consumer and Business Services (Director), proposes to revoke the Oregon insurance agent license issued to Paul B. Joiner (Joiner) and to impose a civil penalty against Joiner. Joiner stipulates that he received the Notice of Proposed Action; Notice of Hearing; Important Information Concerning Your Contested Case Hearing with the Insurance Division; and Notice of Contested Case Rights and Procedures.

Joiner has been advised of the right to have a hearing, to be represented by an attorney at the hearing, and the right of judicial review of any decision adverse to him. Joiner is represented by James W. Hoffman, Attorney at Law. After consulting with Mr. Hoffman, Joiner freely and voluntarily waives his respective rights to a hearing, to be represented during such hearing and to judicial review from the agency's order issued therein.

1 Joiner admits to and agrees with the following:

2 Findings of Fact

3 1.

4 On or about February 12, 1996, Joiner received from Brian
5 or Dana Nobles (Nobles), of Springfield, Oregon, a check in the
6 amount of \$171.62 as partial payment of a premium to reinstate
7 one or both of two automobile insurance policies, numbers AVU
8 49866414 and ANU 4986420, issued by Hanover Insurance Company
9 (Hanover) to Nobles from October 10, 1995 to November 9, 1995
10 Joiner did not remit the check to Hanover or return it to Nobles.
11 On May 8, 1996, Hanover refunded the money to Nobles.

12 2.

13 On October 17, 1997, Joiner received from Heidi Bhan (H.
14 Bhan), an officer and owner of Island Fence & Window Guard, Inc
15 (Island Fence) in Eugene, Oregon, a check in the amount of
16 \$522.50 as payment of a premium to reinstate a workers'
17 compensation insurance policy, number 633478, issued by SAIF
18 Corporation to Island Fence from July 12, 1997 to October 1
19 1997. Joiner did not remit the check to SAIF. Joiner returned
20 the check to H. Bhan on November 6, 1997

21 3

22 On September 25, 1995, Joiner represented to Allied Life
23 Insurance Company (Allied Life) that he was licensed as an Oregon
24 insurance agent when he knew that he had not renewed his license.

25

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1 4.

2 On several occasions from December 11, 1995 to April 25,
3 1996, Joiner represented to Nobles that their Honda Accord was
4 insured under a personal automobile insurance policy issued by
5 Hanover to Nobles on October 9, 1995, when, in fact, the policy
6 had been canceled on November 9, 1995.

7 5.

8 Sometime in August or September 1997, Joiner issued to
9 Indar Bhan (I. Bhan) of Eugene, Oregon, an identification card
10 misrepresenting that a 1987 Chevrolet Corvette was insured under
a commercial liability insurance policy, number 02-CL-005951-0
issued by Millers Casualty Insurance Company (Millers) to Island
13 Fence for the period April 3, 1997 to April 3, 1998. The car was
14 owned by I. Bhan and not by Island Fence (I. Bhan was an owner
15 and officer of Island Fence). Joiner did not notify Millers or
16 an agency appointed by Millers that he had issued the
17 identification card

18 6.

19 On February 28, 1997, Joiner's Oregon insurance agent
20 license expired and was not renewed until July 15, 1997. From
21 March 4, 1997, to May 7, 1997, Joiner solicited and received from
22 at least six persons residing in Oregon applications for
23 insurance. The date of the application, the name of the
24 applicant, and the name of the insurer relative to each
25 transaction is as follows:

26 ///

	<u>Date</u>	<u>Applicant</u>	<u>Insurer</u>
1			
2			
3	3/4/97	Gael Classen	Guaranty National Insurance Company
4	3/12/97	William Barton	Guaranty National Insurance Company
5	3/14/97	Karen Revoal	Regal Insurance Company
6	4/1/97	James Brown	Mutual of Enumclaw Insurance Company
7	4/4/97	Marleen Harp	Mutual of Enumclaw Insurance Company
8	5/7/97	Linda Lacy	Millers Mutual Fire Insurance Company

7

7 Sometime in August or September 1997, Joiner represented to
8 I. Bhan that his 1987 Chevrolet Corvette was insured under a
9 commercial liability insurance policy, number 02-CL-005951-0,
10 issued by Millers. Joiner was not appointed by Millers or
11 authorized by an agency that was appointed by Millers

12 Conclusions of Law

13 Joiner violated ORS 744.013(2)(d) in two instances; ORS
14 744.013(2)(g) in three instances; ORS 744.051(1)(a) in
15 instances; and ORS *744.015(1)(b) in one instance.

16 Stipulation and Waiver

17 The below undersigned, Paul B. Joiner, having read and
18 reviewed the above findings of fact and conclusions of
19 submitted by the Director, acting by and through the Insurance
20 Division, and having further read the order which follows, does
21 understand that the findings of fact, conclusions of law, waiver
22 and final order embody the full and complete agreement and
23 stipulation between the undersigned and the Insurance Division.
24 Joiner further understands that he has the right to request a
25 hearing on this matter, to be represented by legal counsel at
26 such a hearing and to seek judicial review from any order adverse

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* Should be 744.051(1)(b) per Mitch Curzon 1/26/99 clw

1 to him. Joiner freely and voluntarily waives his rights to a
2 hearing in this matter, to be represented by counsel at such a
3 hearing and to seek judicial review from any order adverse to
4

5 Paul B. Joiner hereby agrees and stipulates to the above
6 findings of fact, conclusions of law and agrees to the order
7 which follows.

8 
PAUL B. JOINER

9 Date: 11-18-98

10 Having read and reviewed the above findings of fact and
11 conclusions of law, the Director hereby makes the following
12 order:

13 FINAL ORDER

14 IT IS HEREBY ORDERED that the Oregon insurance agent
15 license issued to Paul B. Joiner is revoked, effective February
16 1, 1999.

17 IT IS FURTHER ORDERED that Paul B. Joiner will not again
18 apply to the Director for a license as an insurance agent,
19 consultant or adjuster to be issued either to himself
20 individually or to any business organization owned or operated by
21

22 IT IS FURTHER ORDERED that, on and after February 1, 1999
23 Paul B. Joiner will not own any equity interest in, or be an
24 officer, director or employee of, any business organization
25 licensed as an insurance agent, consultant or adjuster in Oregon.

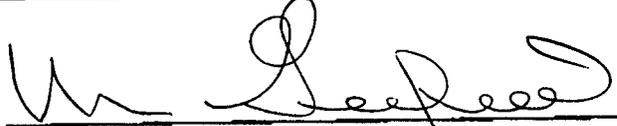
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1 IT IS FURTHER ORDERED that Paul B. Joiner will pay to the
2 State of Oregon a civil penalty in the amount of \$500. Payment
3 shall be made in the form of a check payable to the "Department
4 of Consumer and Business Services" for the full amount due
5 Payment shall be personally delivered or mailed to the Insurance
6 Division so that it is received within 30 days after the entry of
7 this order.

8 IT IS FURTHER ORDERED that the entry of this order shall be
9 the final resolution of all matters designated in the Notice of
10 Proposed Action, Case No. INS 97-11-003, dated June 19, 1998, as
11 well as the final resolution of all matters designated in the
12 draft Notice of Proposed Action, Case No. INS 97-11-003, undated
13 and unsigned, prepared by the Insurance Division as of October 6,
14 1998, and provided to Mr. Hoffman on or about October 28, 1998.

15 DATED this ____ day of DEC 01 1998, 1998.

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MICHAEL GREENFIELD
Director, Department of Consumer
and Business Services

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