



the application that Smith signed the application in Hilt, California. Allen knew that Smith signed the application in Central Point, Oregon. Allen submitted the application to ALC. ALC issued the annuity, number 0N948669, on February 7, 1995. ALC issued the annuity on policy form number 93-FPDA-8CA which was not approved to be used in Oregon. Allen knew that the form was not approved to be used in Oregon. Subsequently, Allen delivered the annuity to Smith in Oregon.

#### **Ultimate Facts**

In two instances, Allen delivered in Oregon an annuity issued on a policy form that was not approved for use in Oregon.

In two instances, Allen made a misrepresentation on an insurance application.

#### **Conclusions**

Allen violated Oregon Revised Statutes (ORS) 742.003 in two instances and 746.100 in two instances.

#### **Action**

Allen shall pay a civil penalty of \$4,000 pursuant to ORS 731.988. Payment shall be made in the form of a check payable to the "Department of Consumer and Business Services" for the full amount due. Payment shall be personally delivered or mailed to the Insurance Division so that it is received on or before the date of this order.

Dated June 22, 1998.

/s/ Dennis F. Allen  
Dennis F. Allen

**FINAL ORDER**

The Director adopts, and incorporates herein by this reference, the Facts, Ultimate Facts, Conclusions and Action in the above Stipulation as the Findings of Fact, Ultimate Findings of Fact, Conclusions of Law and Order, respectively, of this Final Order.

Dated July 1, 1998.

/s/ Michael Greenfield  
Michael Greenfield  
Director