

STATE OF OREGON
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
INSURANCE DIVISION

In the Matter of **HomeSure of Utah, Inc.**) **STIPULATION** and
) **FINAL ORDER**
) Case No. INS 99-11-006

STIPULATION

The Director of the Department of Consumer and Business Services (Director) commences the above entitled administrative proceeding, pursuant to Oregon Revised Statutes (ORS) 731.256(1), to take action against HomeSure of Utah, Inc. (HomeSure) for violating certain provisions of the Oregon Insurance Code.

HomeSure enters into this stipulation to conclude this proceeding without further administrative or judicial proceedings pursuant to ORS 183.415(5).

HomeSure waives the right to receive a notice of proposed action, notice of rights and notice of judicial review, to have a hearing and to be represented by an attorney at the hearing, and to judicial review of the final order.

HomeSure admits and agrees to the following:

Facts

Licensing

HomeSure is a Florida corporation. HomeSure's principal place of business is 625 NW 136th Avenue, Suite 200, Fort Lauderdale, FL 33323-2802.

From March 30, 1995 to June 1, 1998, HomeSure, then known as HAA of Utah, Inc., was licensed in Oregon as an insurer. On June 1, 1998, HomeSure's certificate of authority expired and since then has not been reinstated or reissued.

HomeSure's Oregon Insurance Division company number is 2989 and its National Association of Insurance Commissioners' (NAIC) identification number is 900183.

Transacting Home Protection Insurance Without a Certificate of Authority

From June 1, 1998 to December 31, 1998, HomeSure issued 156 home protection insurance policies to persons residing in Oregon.

Ultimate Facts

HomeSure transacted insurance as an insurer in Oregon without a certificate of authority.

Conclusions

HomeSure violated ORS 731.354.

Action

HomeSure shall pay a civil penalty of \$20,000 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 the Final Order.

Dated December 15, 1999.

/s/ Kenneth E. Harthausen
Kenneth E. Harthausen
President
HomeSure of Utah, Inc.

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 December 21, 1999.

/s/ Michael Greenfield
Michael Greenfield
Director
Department of Consumer and Business Services