

STATE OF OREGON
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
INSURANCE DIVISION

In the Matter of **Brien T. Plaza.**

) **STIPULATION** and
) **FINAL ORDER**
) Case No. INS 00-05-023
) File No. 1992 IV

STIPULATION

The Director of the Department of Consumer and Business Services (Director) commenced the above entitled administrative proceeding, pursuant to Oregon Revised Statutes (ORS) 731.256(1), to take action against Brien T. Plaza (Plaza) for violating, not complying with or otherwise being subject to, certain provisions of the Oregon Insurance Code or related administrative rules.

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

Plaza 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.

Plaza admits and agrees to the following:

Facts

Licensing

Plaza was licensed in Oregon as a resident individual insurance agent from 7/10/85 to 7/31/99. On 7/31/99, Plaza's license expired because he did not renew it. Plaza's license number was 112788. Plaza's current residence address is 1809 26th Street, Space 94, La Grande, OR 97850.

Failure to Deposit Insurance Premium into a Trust Account

On or about 4/8/98, Plaza received \$214 in cash as payment of the annual renewal premium for a fire insurance policy, number PF011323, issued to Judy Sipos (Sipos) through the Oregon FAIR Plan Association (FAIR Plan) by Oregon Automobile Insurance Company. Plaza deposited the money into Plaza's personal checking account. Subsequently, Plaza issued a personal check to the FAIR Plan for the amount received.

Ultimate Fact

Plaza failed to deposit insurance premiums into an insurance premium trust account.

Conclusion

Plaza violated ORS 744.225.

Action

Plaza shall pay a civil penalty of \$500 pursuant to ORS 731.988 on or before December 15, 2000.

Plaza may be issued an insurance license any time before December 15, 2000 if he complies with all of the applicable requirements and procedures therefore. However, if Plaza fails to pay the civil penalty by the due date, then the Director may take any authorized action including revocation of any insurance license issued hereafter to Plaza.

Dated June 28, 2000.

/s/ Brien T. Plaza
Brien T. Plaza

FINAL ORDER

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

Dated July 5, 2000.

/s/ Mary C. Neidig
Mary C. Neidig
Director
Department of Consumer and Business Services

CERTIFICATE OF SERVICE

I certify that on July 5, 2000 I served the above Stipulation and Final Order by mailing a copy thereof in a sealed envelope, with first class postage prepaid, to the party named therein.

/s/ Mitchel D. Curzon
Mitchel D. Curzon
Administrative Law Specialist
Insurance Division