

STATE OF OREGON
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
INSURANCE DIVISION

In the Matter of **Brian K. Dusenberry** and) **STIPULATION** and
Fairway Insurance Agency.) **FINAL ORDER**
) Case No. INS 99-11-005

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 Brian K. Dusenberry (Dusenberry) and Fairway Insurance Agency (Fairway) for violating certain provisions of the Oregon Insurance Code.

Dusenberry and Fairway enter into this stipulation to conclude this proceeding without further administrative or judicial proceedings pursuant to ORS 183.415(5).

Dusenberry and Fairway waive 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.

Dusenberry and Fairway admit and agree to the following:

Facts

Licensing

Dusenberry was licensed in Oregon as a resident individual insurance agent from June 29, 1992 to June 30, 1995. Dusenberry's license expired on June 30, 1995 and since then has not been reinstated or reissued. Dusenberry's license number was 601893. Dusenberry resides at 3220 South Shore Boulevard, Lake Oswego, OR 97034. Dusenberry conducted insurance business at 2261 Country Club Road, Woodburn, OR 97071.

Fairway is an Oregon sole proprietorship of Dusenberry. Fairway conducts business at 2661 Country Club Road, Woodburn, OR 97071. Fairway has been licensed in Oregon as a resident firm or corporate insurance agent from

June 30, 1990 to June 30, 1998 and since June 25, 1999. Fairway's Insurance Division identification number is 17380 and its license number is 802522.

Transacting Insurance Without a License

Since July 1, 1995, Dusenberry has transacted insurance in Oregon without being licensed as an Oregon individual insurance agent.

From July 1, 1998 to June 24, 1999, Fairway transacted insurance in Oregon, by and through Dusenberry, without Fairway being licensed as an Oregon resident firm or corporate insurance agent.

Since July 1, 1995, Fairway has authorized Dusenberry to transact insurance on behalf of Fairway without Dusenberry being licensed as an Oregon individual insurance agent.

Ultimate Facts

Dusenberry transacted insurance as an agent in Oregon while not licensed as an agent in Oregon.

Fairway transacted insurance as an agent in Oregon while not licensed as an agent in Oregon.

Fairway authorized an employee to transact insurance in Oregon while the employee was not licensed as an agent in Oregon.

Conclusions

Dusenberry violated ORS 744.051(1)(a).

Fairway violated ORS 744.051(1)(a) and 744.054.

Action

The insurance agent licenses issued to Dusenberry and Fairway shall be revoked on the date of this order pursuant to ORS 744.013(1)(a).

Dusenberry agrees not to apply to the Director for any license as an insurance agent, consultant or adjuster to be issued to either himself or to any business organization owned or operated by him. Dusenberry also agrees not to own any equity interest in, or be an officer, director or employee of, any business organization licensed as an insurance agent, consultant or adjuster in Oregon.

Dated March 7, 2000.

/s/ Brian K. Dusenberry
Brian K. Dusenberry

/s/ Brian K. Dusenberry
Brian K. Dusenberry
Owner
Fairway Insurance Agency

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 March 10, 2000.

/s/ Deborah Lincoln
Deborah Lincoln
Acting Director
Department of Consumer and Business Services

CERTIFICATE OF SERVICE

I certify that on March 10, 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