

**STATE OF OREGON
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
INSURANCE DIVISION**

In the Matter of **Marsha O. Perry**.

) **STIPULATION** and
) **FINAL ORDER**
) File No. 300756 IV
) Case No. INS 02-08-003

STIPULATION

The Director of the Department of Consumer and Business Services (director) commenced this administrative proceeding, pursuant to Oregon Revised Statutes (ORS) 731.256, to take disciplinary action against Marsha O. Perry (Perry).

Perry enters into this Stipulation to conclude this proceeding without further administrative or judicial proceedings, pursuant to ORS 183.415(5).

Perry waives the right to receive a notice of proposed action, to receive a notice of the rights of a party and procedures in contested cases, to have a hearing, to be represented by an attorney at the hearing, and to judicial review of the Final Order.

Perry admits and agrees to the following facts, conclusions, and action.

Facts and Conclusions

Licensing

Perry has been licensed in Oregon as a resident insurance agent since 4/8/87. Perry's current license number is 106817. Perry's last recorded residence address is 1406 Frontier Lane, Vale, OR 97918-5346, and telephone number is 541-473-2983. Perry's last recorded business address is 161 Washington Street East, Vale, OR 97918-1248, and telephone number is 541-473-3400.

Illegally Withholding of Insurance Premium from Insurer

Perry violated ORS 744.013(2)(d) (1999) in one instance by engaging in the following conduct. Perry was required by her Agent Appointment Agreement with Truckers Insurance Exchange (TIE) to promptly remit to TIE money that Perry received for insurance to be provided by TIE. On 7/12/99, Perry received from Shelleen Tensen, on behalf of William J. Tensen (Tensen), of Ontario, Oregon, a

check, number 500, dated 7/12/99, in the amount of \$548, of which \$436 was payment of the premium for commercial general liability insurance to be provided by TIE. On 7/15/99, Perry deposited the money into her insurance premium trust account. On 10/25/00, 471 days after receiving the money, Perry notified TIE that she had received the money and it was available for TIE to electronically withdraw from her trust account.

Action

Pursuant to ORS 731.988, Perry shall pay a civil penalty of \$1,000. The payment shall be made in the form of a check payable to the "Department of Consumer and Business Services" for the full amount due. The payment shall be delivered or mailed to the Insurance Division at 350 Winter Street NE, Room 440, Salem, OR 97301-3883. The payment shall be received by the Insurance Division by the date of the Final Order.

Dated August 19, 2002

/s/ Marsha O. Perry
Marsha O. Perry

FINAL ORDER

The director adopts and incorporates herein by this reference the above Stipulation as the director's final decision in this proceeding.

Dated September 11, 2002

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

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