

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

In the Matter of **David R. Forest.**

) **STIPULATION** and
) **FINAL ORDER**
) Case No. INS 02-09-004

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 David R. Forest (D. Forest).

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

D. Forest 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.

D. Forest admits and agrees to the following facts, conclusions, and action.

Facts and Conclusions

Licensing

D. Forest has been licensed in Oregon as a resident insurance agent from 10/31/90 to 8/8/96 and since 9/13/00. D. Forest's current license number is 618166.

Engaging Dishonest Conduct

1. D. Forest violated 744.013(2)(g) (1999) in 72 instances by engaging in the following conduct. From 4/10/01 to 9/4/01, D. Forest solicited and received from persons residing in Oregon 41 applications for long term care insurance (LTC), 21 applications for cancer insurance, and 10 applications for accidental death and dismemberment insurance (AD&D). The long term care insurance was to be provided by Conseco Senior Health Insurance Company (CSHIC). The cancer and accidental death and dismemberment insurance was to be provided by Conseco Health Insurance Company (CHIC), formerly known as Capitol American Life

Insurance Company. Each application contained a statement, to be signed by the soliciting agent, that the agent had explained certain information to the applicant and recorded on the application certain information provided by the applicant. D. Forest knew that this representation was false if P. Forest signed the applications as the agent. D. Forest and P. Forest agreed that P. Forest would sign each application as the agent and send them to the respective insurer for the purpose of qualifying P. Forest to win a prize in a marketing contest sponsored by the respective insurer. The prize offered by CSHIC was two laptop computers. The prize offered by CHIC was a trip. P. Forest signed the applications. P. Forest sent or caused the applications to be sent to the respective insurer. P. Forest won the two computers but not the trip. The name of the applicant, date of the application, type of insurance, insurer, and the policy number if any, relative to each application is as follows:

<u>Applicant</u>	<u>Date</u>	<u>Type</u>	<u>Insurer</u>	<u>Policy No.</u>
Marie C. Francois-O'Ray	4/10/01	LTC	CSHIC	776377
Carl A. Jordan	4/11/01	LTC	CSHIC	776373
Marcia L. Kadlec	4/11/01	LTC	CSHIC	776374
Rozalia Jordan	4/11/01	LTC	CSHIC	777383
Evelyn S. Jones	4/12/01	LTC	CSHIC	776370
Gary D. Hasson	4/13/01	LTC	CSHIC	776371
Carolee S. Gerard	4/13/01	LTC	CSHIC	776375
John D. Carson	4/16/01	LTC	CSHIC	776684
Dixie H. Carson	4/16/01	LTC	CSHIC	776689
Rosanna C. Corpuz	4/17/01	LTC	CSHIC	776691
Wade R. Davis	4/18/01	LTC	CSHIC	776678
Jane C.H. Collins	4/19/01	LTC	CSHIC	776693
Linda Moss	4/20/01	LTC	CSHIC	777009
Ronald E. Kropf	4/23/01	LTC	CSHIC	777015
Yvette S. Quale	4/27/01	LTC	CSHIC	777022
Dale E. Quale	4/27/01	LTC	CSHIC	777024
Sally J. Hockin	4/30/01	LTC	CSHIC	777026
Linda L. Pond	5/1/01	LTC	CSHIC	777312
Mary J. Gardner	5/1/01	LTC	CSHIC	777313
Wanda W. Farmer	5/2/01	LTC	CSHIC	777316
Terry E. Farmer	5/2/01	LTC	CSHIC	777318
Morgan De Lise...Sanchez	5/3/01	LTC	CSHIC	777032
David C. Sanchez	5/3/01	LTC	CSHIC	777038
Dean W. Renner	5/3/01	LTC	CSHIC	777322

Carmen D. Gay-Budiel	5/3/01	LTC	CSHIC	777323
David M. Collier	5/3/01	LTC	CSHIC	777325
Ora J. Shelton	5/3/01	LTC	CSHIC	777373
Judy I. Husted	5/4/01	LTC	CSHIC	777321
Joan E. Holven	5/5/01	LTC	CSHIC	776695
Alice A. Mays	5/5/01	LTC	CSHIC	777315
Tamara S. Wageman	5/5/01	LTC	CSHIC	777319
Dorothy L. Eddings	5/5/01	LTC	CSHIC	777376
Carol A. Isensee	5/6/01	LTC	CSHIC	777378
Carol J. Sharp	5/6/01	LTC	CSHIC	777383
Margaret A. Ammons	5/7/01	LTC	CSHIC	777317
Jean A. Richards	5/7/01	LTC	CSHIC	777336
Donna M. Harker	5/7/01	LTC	CSHIC	777337
James I. Stone Sr.	5/7/01	LTC	CSHIC	777338
Dona Rae Stone	5/7/01	LTC	CSHIC	777339
Brenda M. Hoyle	5/7/01	LTC	CSHIC	777392
Jessie H. Brim	5/22/01	LTC	CSHIC	778313
Daywatee Jagroop	5/29/01	Cancer	CHIC	302601413
Barbara A. Soma-Henke	5/30/01	Cancer	CHIC	302601158
Dawn-Marie Blackman	5/31/01	Cancer	CHIC	302601157
Lisa M. Crader	6/4/01	Cancer	CHIC	302608065
Shelly R. LeClair	6/5/01	Cancer	CHIC	None
Alice V. Abdich	6/5/01	Cancer	CHIC	302601159
Stephanie V. Marzullo	6/5/01	Cancer	CHIC	302611703
Anna R. Mills	6/6/01	Cancer	CHIC	302603676
Linda A. Nored	6/6/01	Cancer	CHIC	302604657
Grace B. Almeida	6/8/01	Cancer	CHIC	302604663
Daniel K. House	6/12/01	Cancer	CHIC	302605109
Ben A. Paladijczuk	6/26/01	Cancer	CHIC	302609251
Gerald P. Braun	6/26/01	Cancer	CHIC	302609254
Harley R. Husted	7/5/01	Cancer	CHIC	302610895
Linda Gray	7/6/01	Cancer	CHIC	302612047
Suzanne B. Link	7/9/01	Cancer	CHIC	302612049
Sharon K. McCamey	7/11/01	Cancer	CHIC	302612051
Bernice M. Prichard	7/11/01	Cancer	CHIC	302612052
Rosemary McCamey	7/12/01	Cancer	CHIC	302612809
Hana M. Barlow	7/19/01	AD&D	CHIC	302619491
Karen L. Brown	7/26/01	Cancer	CHIC	302618973
Delores F. Bancroft	7/26/01	AD&D	CHIC	302619214
Harley R. Husted	8/1/01	AD&D	CHIC	302618980
Larry L. Shipley	8/1/01	AD&D	CHIC	302622353
Lynell S. Tucker	8/14/01	AD&D	CHIC	302625049
Michelle R. Hasson	8/15/01	AD&D	CHIC	302625052
Carol L. Mead	8/17/01	Cancer	CHIC	302625005

Sheila A. Lucas	8/17/01	AD&D	CHIC	302625011
Carol L. Mead	8/17/01	AD&D	CHIC	302625016
Shelly R. Houston	8/20/01	AD&D	CHIC	302625055
Alice V. Abdich	9/4/01	AD&D	CHIC	302629394

2. D. Forest violated ORS 746.100 in one instance by engaging in the following conduct. On 10/11/01, P. Forest solicited and received from Kathleen J. L. Beck, of Oregon City, Oregon, an application for cancer insurance to be provided by CHIC. The application contained a statement, to be signed by the soliciting agent, that the agent had explained certain information to the applicant and recorded on the application certain information provided by the applicant. P. Forest initially signed the application as the agent. Subsequently, P. Forest's signature was lined through, and D. Forest signed the application as the agent. D. Forest knew that this representation was false. D. Forest sent or caused the application to be sent to the insurer.

Action

Pursuant to ORS 744.013(1) (1999), the license as an insurance agent issued to D. Forest shall be revoked on the date of this Final Order.

Dated September 12, 2002 /s/ David R. Forest
 David R. Forest

FINAL ORDER

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

Dated October 1, 2002 /s/ Mary C. Neidig
 Mary C. Neidig
 Director
 Department of Consumer and Business Services