

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

In the Matter of **International Water Marine Safety Foundation.**) **CEASE AND DESIST**
) **ORDER**
) Case No. INS 02-10-009

The Director of the Department of Consumer and Business Services (director) hereby issues this cease and desist order, pursuant to Oregon Revised Statutes (ORS) 731.252, to International Water Marine Safety Foundation (IWMSF) because the director has reason to believe that IWMSF has violated, is violating, or is about to violate the Insurance Code as specified herein.

Findings of Fact

Licensing

IWMSF has never been licensed in Oregon as an insurance agent. IWMSF was formerly known as International Marine Safety Foundation. IWMSF's international headquarters' is purportedly located at 10 Golden Square, London, England, W1R 3AF, and telephone number is 011-44-171-434-1951; and fax number is 011-44-171-494-1154. IWMSF's North American division is purportedly located at 905 Michele-Bohec Boulevard, Suite 204, Blainville, Quebec, Canada, J7C 5J6; its telephone number is 888-346-4673, and its fax number is 888-346-4674.

North American Marine General Insurance Company, Ltd. (NAMGIC) has never been licensed in Oregon as an insurer or qualified as an eligible surplus lines insurer in Oregon. NAMGIC's principal mailing address is purportedly PO Box 6-1097 El Dorado, Panama City, Republic of Panama.

Transacting Insurance as an Agent Without a License and Transacting Insurance as an Agent for an Unauthorized Insurer

IWMSF violated ORS 744.051(1)(a) (1999) and ORS 746.310(1) in five instances by engaging in the following conduct. From 12/20/99 to 11/29/01, IWMSF, on behalf of NAMGIC, sold to five persons, who resided in Oregon, snowcraft and watercraft

property and casualty insurance provided by NAMGIC under one of two master policies, number GWOMMP 010975 for watercraft, and number GWOMMP 010976 for snowcraft, issued by NAMGIC to IWMSF. IWMSF sold the insurance by soliciting licensed insurance agents to sell the insurance to consumers, receiving from the agents applications and premiums for the insurance, and issuing binders and certificates of insurance to the insureds. The name and location of the insured, date of the certificate, certificate and policy number relative to each transaction is as follows:

<u>Insured</u>	<u>Location</u>	<u>Date</u>	<u>Certificate No.</u>	<u>Policy No.</u>
Frank Hoblit	Klamath Falls, OR	12/20/99	SFC17909	GWOMMP 010976
Kevin A. Marshall	Corvallis, OR	12/31/00	SFC18506	GWOMMP 010975
Shaun Carpenter	Gold Beach, OR	12/31/00	SFC18507	GWOMMP 010975
Vincent S. Gwillin	Monroe, OR	4/11/01	SFC18736	GWOMMP 010976
Richard M. Van Hook	Gold Beach, OR	11/29/01	SFC19203	GWOMMP 010975

Order

IWMSF shall immediately cease and desist from violating the above provision(s) of the Insurance Code pursuant to ORS 731.252.

Notice of Opportunity for Hearing and Judicial Review

The party is entitled to a hearing. If a party wants a hearing, then the party must send to the Insurance Division a written request for a hearing. The party may send the request by delivering or mailing it to the Insurance Division at 350 Winter Street NE, Room 440, Salem, Oregon, 97301-3883; or faxing it to 503-378-4351; or e-mailing it to mitchel.d.curzon@state.or.us. The Insurance Division must **receive** the written request within **20 calendar days** after the date this notice was *sent* to the party.

If the Insurance Division receives from or on behalf of a party a written request by the due date, then the Insurance Division will refer the request to the Hearing Officer Panel (HOP). HOP will schedule the hearing and notify the party of the date and location of the hearing and other related information. A hearing officer of HOP will conduct the hearing and issue a proposed order. The hearing will be conducted in accordance with the Oregon Administrative Procedures Act, ORS

Chapter 183; and the Attorney General's Model Rules, OAR 137-05-0501 *et seq.* A party that is an individual may represent him or her self at a hearing; or may be represented by an attorney licensed in Oregon. A party that is a corporation, partnership, limited liability company, unincorporated association, trust, or government agency must be represented at a hearing by an attorney licensed in Oregon except as otherwise provided by law.

If the Insurance Division does not receive from or on behalf of a party a written request for a hearing by the due date, then this order will become final by default. If this order becomes final by default, then the designated portion of the Insurance Division's investigation file on the party automatically becomes part of the contested case record upon default for the purpose of proving a prima facie case.

Also, if this order becomes final by default, then the party may request the Oregon Court of Appeals to review this order pursuant to ORS 183.480 and 183.482 by filing a written petition for judicial review with the court within 80 calendar days after the date this order was *sent* to the party.

Dated October 18, 2002

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

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