

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

In the Matter of **Berkshire Life Insurance**) **STIPULATION** and
Company of America.) **FINAL ORDER**
) Case No. INS 02-10-035

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 Berkshire Life Insurance Company of America (Berkshire Life).

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

Berkshire Life 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.

Berkshire Life admits and agrees to the following facts, conclusions, and action.

Facts and Conclusions

Berkshire Life violated ORS 731.574 or 731.488, which ever is applicable, and Oregon Administrative Rules (OAR) 836-011-0000 *et seq.* by filing with the director the following document(s) for the calendar year 2001 after the date the document(s) was(were) required to be filed:

- Actuarial Opinion

Action

Pursuant to ORS 731.988, Berkshire Life shall pay a civil penalty of \$500.

Dated December 23, 2002

/s/ David L. Kalib
[Signature of Representative]

David L. Kalib
[Printed Name of Representative]

Vice President and General Counsel
[Printed Title of Representative]

Berkshire Life Insurance Company of America

FINAL ORDER

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

Dated May 2, 2003

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

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