

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

In the Matter of **Earthjustice**.

) **STIPULATION** and  
) **FINAL ORDER**  
) Case No. INS 03-04-019

**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 enforcement action against Earthjustice.

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

Earthjustice 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, to receive a proposed order, to file exceptions to the proposed order, and to judicial review of the Final Order.

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

**Facts and Conclusions**

Licensing Information

Earthjustice, formerly known as Earthjustice Legal Defense Fund, Inc., has been licensed in Oregon as a non-profit organization authorized to issue charitable gift annuities since 3/7/03. Earthjustice's Oregon company number is 486 and NAIC identification number is 700486. Earthjustice's last recorded principal business is in Oakland, California.

Issued Charitable Gift Annuities in Oregon Without a License

Earthjustice violated ORS 731.704(1) in 9 instances by receiving a transfer of money or property from 3 donors who resided in Oregon, and issuing 9 charitable gift annuities to such donors, from 12/12/97 to 11/26/02. The date of the annuity, the number of the annuity, the name of the donor, and the amount given by the donor in each instance is as follows:

<u>Date</u>	<u>Number</u>	<u>Donor</u>	<u>Amount</u>
12/27/97	113	Lydia M. Kerr	\$10,000
3/23/98	119	Fritz M. & Florence A. Bachem	\$10,000
11/15/99	153	Fritz M. & Florence A. Bachem	\$10,000
7/15/00	169	Fritz M. & Florence A. Bachem	\$10,000
1/22/01	181	Fritz M. & Florence A. Bachem	\$10,000
6/15/01	186	Fritz M. & Florence A. Bachem	\$10,000
4/25/02	200	Fritz M. & Florence A. Bachem	\$10,000
6/21/02	205	Virginia C. Lemon	\$5,000
11/26/02	255	Fritz M. & Florence A. Bachem	<u>\$15,000</u>
		Total	\$90,000

### **Action**

Pursuant to ORS 731.988, Earthjustice shall pay a civil penalty of \$900. 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 to the Insurance Division at 350 Winter Street NE, Room 440, Salem, OR 97301-3883, or mailed to the Insurance Division at PO Box 14480, Salem, OR 97309-0405. The payment shall be received by the Insurance Division by the date of the Final Order.

Dated July 14, 2003

/s/ Bruce M. Neighbor  
[Signature of Representative]

Bruce M. Neighbor  
[Printed Name of Representative]

V. P. Finance & Admin.  
[Printed Title of Representative]

Earthjustice

### **FINAL ORDER**

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

Dated July 25, 2003

/s/ Cory Streisinger  
Cory Streisinger

Director

Department of Consumer and Business Services