

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

In the Matter of **John D. Taber.**

) **STIPULATION** and  
) **FINAL ORDER**  
) Case No. INS 02-10-018

**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 John D. Taber (Taber).

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

Taber 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.

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

**Facts and Conclusions**

Licensing

Taber was licensed in Oregon as a resident insurance agent from 6/25/98 to 6/30/01. On 6/30/01, Taber's license expired because Taber did not renew it. Taber's license number was 613589. Taber resides in Pendleton, Oregon.

Misappropriation of Insurance Premium

Taber violated ORS 744.013(2)(d) (1999) by engaging in the following conduct. On 12/18/00, Taber received from Gary Herford of Pendleton, Oregon, a check, number 7, dated 12/18/00, in the amount of \$1,639.00, made payable to "Taber Insurance / Farmers" as payment of the gross premium of \$140.00 for a surety bond, number 60941596, issued by Western Surety Company (WSC), and as payment of the gross premium of \$1,499.00 to reinstate a commercial automobile and inland marine policy, number 034864136, issued by Farmers Insurance Company of Oregon (Farmers). On 12/20/00, Taber deposited the check into his insurance

premium trust account, labeled "Agent for OSB Trust Account," number 28983-21755, at Bank of America in Pendleton, Oregon. On or about 2/28/01, Taber paid the net premium of \$98 for the bond to WSC and retained the commission of \$42. However, on or about the same date, Taber used approximately \$1,474.92 of the remaining \$1,499.00 to pay the net premiums due on policies issued by either Scottsdale Insurance Company or WSC to seven other insureds. Taber kept the remaining \$24.08 in his trust account.

**Action**

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

In consideration of the director not assessing Taber a civil penalty pursuant to ORS 731.988, Taber agrees to the following. Taber will not apply for any license authorized by ORS Chapter 744. Taber will not own in whole or in part any business organization that is issued any license authorized by ORS Chapter 744. Taber will not be or act as a director, officer, or employee of; an independent contractor for; or in any other capacity for or on behalf of, any individual or business organization that is issued any license authorized by ORS Chapter 744.

Dated December 21, 2002

/s/ John D. Taber  
John D. Taber

**FINAL ORDER**

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

Dated January 7, 2003

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

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