

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

In the Matter of **David A. Korb.**) **STIPULATION** and
) **FINAL ORDER**
) Case No. INS 03-08-025

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 David A. Korb (Korb).

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

Korb 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.

Korb stipulates to the following facts, conclusions, and action; and consents to issuance of a Final Order incorporating this Stipulation.

Facts and Conclusions

Licensing Information

Korb was licensed in Oregon as a resident insurance agent from 12/22/97 to 12/31/02 Korb's license expired on 12/31/02 because Korb did not renew it. Korb's license number was 612582. Korb resides in Tualatin, Oregon.

Misappropriation of Insurance Premium

Korb violated ORS 744.013(2)(d) (1999) by engaging in the following conduct. From 12/21/99 to 2/11/01, Korb received from or on behalf of nine persons a total of \$7,726.52 as payment of the premium for 23 insurance policies issued by American Family Mutual Insurance Company (AFMIC) to the persons. Korb deposited the money into his insurance premium trust account, number 450410464, at West

Coast Bank in Lake Oswego, Oregon. However, Korb did not remit the money to AFMIC. AFMIC has recovered \$1,255.17 by retaining commissions owed by AFMIC to Korb. The name of the insured, policy number(s), amount received, insured's check number, date the insured's check was deposited or paid by the Korb's bank in each instance is as follows:

Insured	Policy No(s).	Amount Received	Check No.	Check Date	Paid / Deposit Date
Craig Bauske	36X08551-01	\$895.00	8359	12/21/99	12/29/99
Craig Bauske	36X08551-02	\$1,069.00	4175	12/21/99	12/29/99
	36X08551-03				
	36X08551-04				
	36X08221-05				
	36X08551-06				
Hung Nguyen	36U08900-01	\$1,233.00	503	05/20/00	05/26/00
	36U08900-02				
Andrea Burkhart	36D38364-02	\$299.00	171089	06/09/00	6/13/00
Thong Pham	36X09551-01	\$520.00	1504	07/01/00	09/12/00
	36X09551-02				
Michael Deere	36D40565-01	\$315.00	1602	09/05/00	12/08/00
Dwight Mohr	36D30669-01	\$289.00	1644934	11/29/00	12/14/00
Craig Bauske	36X08551-01	\$888.00	8569	12/14/00	12/21/00
Craig Bauske	36X08551-02	\$877.00	4282	12/14/00	12/21/00
	36X08551-03				
	36X08551-04				
	36X08551-05				
	36X08551-06				
Tap Huynh	36U00032-01	\$133.00	2200	01/30/01	02/02/01
Thomas Lee	36X06048-01	\$426.00	1121	02/11/01	02/06/01
Pacific NW Tech.	36X08122-01	<u>\$583.22</u>	cash	n/a	unknown
	Total	\$7,726.52			

Action

Pursuant to ORS 744.013(1) (1999) and 744.011(1), Korb's Oregon resident insurance agent license shall be revoked on the date of this order.

In consideration for the director not assessing Korb a civil penalty, pursuant to ORS 731.988, Korb shall hereafter not apply for or be issued any license authorized by ORS Chapter 744; or be employed by or contracted with, or be an officer or director of, or have any equity interest in, any person that is issued any license authorized by ORS Chapter 744.

Dated September 15, 2003

/s/ David A. Korb
David A. Korb

FINAL ORDER

The director incorporates herein the above Stipulation, adopts it as the director's final decision in this proceeding, and orders that the action stated therein be taken.

Dated September 29, 2003

/s/ Cory Streisinger
Cory Streisinger
Director
Department of Consumer and Business Services

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