

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

In the Matter of **Mark I. Jaros.**

) **STIPULATION** and  
) **FINAL ORDER**  
) Case No. INS 03-09-005

**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 Mark I. Jaros (Jaros).

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

Jaros 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.

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

**Facts and Conclusions**

Licensing Information

Jaros was licensed in Oregon as a resident insurance agent from 5/19/89 to 8/31/03. Jaros' license expired on 8/31/03 because Jaros did not renew it. Jaros' license number was 112265. Jaros' residence address is in Shelton, Washington.

Acted Incompetently in Insurance Transaction

Jaros violated ORS 744.013(2)(a) (1999) in two instances by engaging in the following conduct.

1. On 9/27/01, Jaros, as an agent of Sherman County Insurance, Inc., received from Donald Hilderbrand (Hilderbrand), as manager of the farm of The Barnett Estate, of Wasco, Oregon, the information necessary to complete, and completed, a form requesting three changes in the coverage for the 2002 crop season as provided

by a multi-peril crop insurance policy, number 36-605-0110030, issued to The Barnett Estate through North Central Crop Insurance (NCCI) by Insurance Corporation of Hannover pursuant to the Federal Crop Insurance Act, 7 U.S.C. §1501 *et seq.* The requested changes were that (1) the plan of coverage for wheat be changed from Multi-Peril Crop Insurance (MPCI) to Crop Revenue Coverage (CRC), (2) the options be changed from “WB” to “4A” and (3) the level election be changed from 78% to 85%. Jaros knew that he was supposed to send the change form to NCCI by 10/31/01. However, Jaros never sent the form to NCCI. The Barnett Estate suffered a crop related loss that would have been covered under the policy if Jaros had sent the change form to NCCI.

2. In connection with the above transaction, Jaros knew that as a result of the second requested change that the date the insured needed to submit an acreage report to NCCI would be changed from 12/15 of one year to 6/30 of the following year. On or about 11/1/01, Jaros received from Hilderbrand the information necessary to complete, and completed, an acreage report. Jaros was supposed to send the acreage report to NCCI so that it received the acreage report by 12/15/01. However, Jaros thought that he did not need to send the acreage report to NCCI until 6/30/02. However, as indicated above, Jaros did not send the change form to NCCI. Consequently, the second requested change was not made and an acreage report was due by 12/15/01. On 3/15/02, 90 days after it was due, Jaros faxed to NCCI the acreage report. Subsequently, NCCI accepted the report but only because there was evidence that Jaros had timely received the information from Hilderbrand.

#### Failed to Timely Response to Director’s Inquiry

Jaros violated ORS 731.296 in one instance by engaging in the following conduct. On 8/22/02, the Insurance Division mailed by certified mail a letter to Jaros. The letter requested Jaros to provide to the Insurance Division by 9/20/02 certain information about the above and other transactions. On 9/9/02, Jaros received the letter. The Insurance Division did not receive a response by the due date. So on 1/14/03, the Insurance Division mailed by certified mail a follow up letter to Jaros.

On 2/7/03, the Insurance Division received by mail from Jaros a letter dated 2/5/03 providing the requested information. Thus, Jaros responded to the Insurance Division 140 days late.

**Action**

Pursuant to ORS 744.013(1) (1999), Jaros' Oregon insurance agent license is revoked on the date of this order.

In consideration for the director not assessing Jaros a civil penalty, pursuant to ORS 731.988, Jaros 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 9, 2003

/s/ Mark I. Jaros  
Mark I. Jaros

**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 25, 2003

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

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