

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

In the Matter of **Brian A. Ellsworth.**

) **STIPULATION** and
) **FINAL ORDER**
) Case No. INS 03-10-004

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 Brian A. Ellsworth (Ellsworth).

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

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

Facts and Conclusions

Licensing Information

Ellsworth has been licensed in Oregon as a nonresident insurance agent from 11/8/93 to 11/30/98, and from 12/8/98 to 11/30/02, and since 1/17/03. Ellsworth's current license number is 127418. Ellsworth's last recorded residence address is located in Spokane, Washington.

Failed to Report Enforcement Action by Other State Insurance Regulator

Ellsworth violated ORS 744.089(1) in one instance by engaging in the following conduct. ORS 744.089(1) requires a person licensed in Oregon as an insurance agent to notify the Insurance Division of any enforcement action taken against the person, and provide a copy of the order, within 30 days of the final disposition of the action. On 7/17/02, the Insurance Commissioner of the State of California issued an order, number LBB 0251-AP, assessing Ellsworth a civil penalty of \$500, and investigatory costs of \$244. The Insurance Commissioner took the action because Ellsworth failed to disclose on his California nonresident insurance agent license renewal application filed on 7/26/01 that on 11/12/99 Washington had issued an

order, number D99-117, assessing Ellsworth a civil penalty of \$1,750. Washington took the action because Ellsworth suggested to seven applicants for life insurance that each applicant falsely state on the insurance application that the applicant lived in Idaho when the applicant actually lived in Washington. Ellsworth was required to notify the Insurance Division of the California action, and provide a copy of the order, by 8/17/02. On 3/3/03, the Insurance Division received from Ellsworth a letter dated 3/03/03 notifying the Insurance Division of the action and providing a copy of the order.

Action

As consideration for the director not taking any enforcement action against Ellsworth in this case, Ellsworth hereby surrenders his Oregon nonresident insurance agent license effective on the date of this Stipulation, and shall hereafter not apply for or be issued any new license authorized by ORS Chapter 744.

Dated October 31, 2003

/s/ Brian A. Ellsworth
Brian A. Ellsworth

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 December 17, 2003

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

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