

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

In the Matter of **Kenneth W. Weathers**) **STIPULATION** and
) **FINAL ORDER**
) Case No. INS 03-10-013

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 Kenneth W. Weathers (Weathers).

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

Weathers acknowledges that he received the Notice of Proposed Action dated 10/17/03, but waives any objections relative to such notice. Weathers acknowledges that he did not request a hearing, but waives the right to request a hearing, and to be represented by an attorney at the hearing. Weathers also waives the right to receive a notice of rights and procedures in contested cases, receive a proposed order, file exceptions to the proposed order, and have the Final Order judicially reviewed.

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

Facts and Conclusions

Licensing Information

Weathers has been licensed in Oregon as a resident agent since 1/25/90. Weather's current license number is 100178. Weather's last recorded residence and business addresses are located in Salem, Oregon.

Failed to Respond to Director

Weathers violated ORS 731.296 in one instance by engaging in the following conduct. On 1/30/03, the Insurance Division received a complaint, assigned number 313012, from Aimee V. Brown (Brown) of Beaverton, Oregon. Brown complained

that Weathers failed to notify Progressive Preferred Insurance Company (Progressive) that Brown had requested on or about 11/4/02 to add an automobile to be insured under her automobile insurance policy issued by Progressive. On 12/21/02, Brown notified the insurer of the change. Consequently, Brown's automobile was uninsured for approximately six weeks from 11/4/02 to 12/21/02. Brown also complained that Weathers received on behalf of Brown a check as payment for the premium for a homeowners insurance policy issued by "Unitrin" but Weathers failed to forward the check to the insurer. The insurer issued a notice of cancellation which Brown received on or about 1/15/03. Brown caused the issuer of the check to stop payment on the check and issue a new check directly to the insurer. Brown further complained that Weathers did not return her many telephone calls regarding the above circumstances. On 2/5/03, the Insurance Division mailed by first class mail to Weathers a letter requesting him to respond to the complaint in writing to the Insurance Division by 2/26/03. Weathers received the first letter. On 5/6/03, when Weathers did not respond by the due date, the Insurance Division mailed by first class mail a second letter. Weathers received the second letter. On 5/30/03, when Weathers again did not respond, the Insurance Division mailed by certified mail a third letter requesting a response by 6/10/03. On 6/2/03, Weathers received the third letter. On 6/3/03, Weathers prepared a letter responding the Insurance Division's letter dated 2/5/03. However, the Insurance Division did not receive Weather's letter until he faxed it to the Insurance Division on 11/7/03.

Action

Pursuant to ORS 731.988, Weathers is assessed a civil penalty of \$1,000. 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 November 7, 2003

/s/ Kenneth W. Weathers
Kenneth W. Weathers

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 November 18, 2003

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