

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

In the Matter of **Jason M. Garner.**) **STIPULATION** and
) **FINAL ORDER**
) Case No. INS 04-01-001

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 Jason M. Garner (Garner).

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

Garner waives the right to receive a notice of proposed action, receive a notice of the rights of a party and procedures in contested cases, have a hearing, be represented by an attorney at the hearing, receive a proposed order, file exceptions to the proposed order, and have the final order judicially reviewed.

Garner stipulates to the following facts, conclusions, and action; and consents to issuance of a final order incorporating this stipulation.

Facts and Conclusions

Licensing Information

Garner has been licensed in Oregon as a resident insurance agent since 5/16/01. Garner's current license number is 168067. Garner's last recorded residence address is located in Portland, Oregon. Garner's last recorded business address is Woodburn, Oregon.

Convicted of Crime

Garner is subject to enforcement action pursuant to ORS 744.074(1)(f) in one instance because of the following circumstances. On 1/21/03, Garner was convicted, based on a plea of guilty, by the Circuit Court of the State of Oregon for Multnomah County, in the criminal case entitled *State of Oregon v. Jason Matthew Garner*, number 02-11-52363, of one count of the crime of theft in the second degree, a

misdemeanor, pursuant to ORS 164.045. Garner committed the above mentioned crime by, on or about 10/20/03, unlawfully and knowingly committing theft of merchandise, the total value of which was fifty dollars or more, belonging to Fred Meyer, Inc.

Failed to Report Criminal Action

Garner violated ORS 744.089(2) in one instance by engaging in the following conduct. ORS 744.089(2) requires a person licensed in Oregon as an insurance agent to notify the Insurance Division of any criminal prosecution of the person; and provide a copy of the initial complaint, order resulting from the hearing and any other relevant legal documents, within 30 days of the pretrial hearing. On 11/6/02, Garner was charged with the above described crime. On 11/30/02, the initial pre-trial hearing was held. On 1/21/03, Garner plead guilty to the crime and was convicted thereof. Thus, Garner was required to notify the Insurance Division of the criminal action, and provide a copy of the specified documents, by 12/30/02. On or about 3/21/03, 81 days late, the Insurance Division received from Garner a letter dated 3/21/03 notifying the Insurance Division of the action and providing a copy of the criminal "information," judgment, and a civil restitution satisfaction.

Action

Pursuant to ORS 731.988, Garner is assessed a civil penalty of \$200. 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 January 12, 2004

/s/ Jason M. Garner
Jason M. Garner

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 March 1, 2004

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