

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

In the Matter of **Todd J. Harris**) **STIPULATION** and
) **FINAL ORDER**
) Case No. INS 04-10-004

STIPULATION

The Director of the Oregon Department of Consumer and Business Services (director) commenced this administrative proceeding, pursuant to Oregon Revised Statutes (ORS) 731.256, to take enforcement action against Todd J. Harris (Harris).

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

Todd J. Harris 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.

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

Facts and Conclusions

Licensing Information

Harris has been licensed in Oregon as a resident insurance agent since 6/12/01.

Disclosed Personal or Privileged Information About Applicant

Harris violated ORS 746.665 in one instance by engaging in the following conduct. ORS 746.665 prohibits a person who is licensed in Oregon as an insurance agent from disclosing any personal or privileged information about an individual that was collected or received in connection with an insurance transaction unless the disclosure meets one or more specified conditions. None of the conditions apply to this case. At all relevant times, Harris was an authorized agent of Primerica Life Insurance Company (Primerica). Harris was authorized to solicit and receive applications, and premium payments, for insurance provided or to be provided by

Mayflower. Harris was required by Primerica to immediately either return to Primerica any policy not accepted by the applicant, or shred the policy. On 3/16/02, Harris solicited and received from Derick C. Bess (Bess), of Salem, Oregon, an application, and payment of the premium, for term life insurance to be provided by Primerica. On 3/22/02, Primerica received the application from Harris. On or about 7/4/02, Primerica issued a policy with certain conditions, and mailed it to Harris to deliver to Bess. A copy of Bess' application was attached to the policy. The documents contained personal information about Bess and his family. On an unknown date, Harris called Bess, explained the conditions of the policy, and asked if Bess still wanted the policy. Bess said no. Harris did not notify Primerica that Bess did not accept the policy. Harris did not return the documents to Primerica, or shred them. Instead, Harris retained the documents and placed them in his briefcase. Later, on 8/18/03, Harris solicited Eric C. Dasher (Dasher) of Forest Grove, Oregon to purchase a term life insurance to be provided by Primerica. Dasher asked to see an example of a Primerica term life insurance policy. Dasher and Harris agreed to meet the next day at a local restaurant during Dasher's lunch period. Accordingly, on 8/19/03 at 12:20 PM, Harris met with and gave to Dasher Bess' policy and application, and other Primerica marketing materials, to review. When Dasher left, Harris inadvertently failed to retrieve Bess' policy and application. They contained personal information about Bess. Harris did not retrieve or attempt to retrieve them from Dasher because Harris was not aware, at that time, that Dasher still had them. Subsequently, Dasher sent the policy and application to Bess.

Action

Pursuant to ORS 731.988, Todd J. Harris 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 the Labor and Industries Building, 350 Winter Street NE, Room 440 (4th Floor), Salem, Oregon; or mailed to the Insurance

