

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

In the Matter of **Donald C. Stamm** and) **FINAL ORDER**
Pacific Rim Insurance, Inc.) Case No. INS 04-12-012

History of the Proceeding

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 Donald C. Stamm (Stamm) and Pacific Rim Insurance, Inc. (PRI).

On 12/23/04, the director notified the parties that the director proposed to take enforcement action against the parties and that they were entitled to a hearing pursuant to ORS 183.415.

The director did not receive a request for a hearing, and did not hold a hearing because the director determined that the record of the proceeding proved a *prima facie* case and no further evidence was needed.

Therefore, the director now makes the following final decision in this proceeding.

Findings of Fact and Conclusions of Law

Licensing Information

Stamm has been licensed in Oregon as a resident individual insurance producer since 4/21/78, and as a resident individual insurance consultant for property and casualty insurance since 3/25/91. Stamm's last recorded residence and business addresses are located in Portland, Oregon.

PRI has been licensed in Oregon as a resident business entity insurance producer from 6/30/98 to 6/30/99, from 7/9/99 to 6/30/01, 7/12/01 to 6/30/03, and since 7/11/03. PRI's last recorded business address is also located in Portland, Oregon. Stamm is the president of PRI.

Failed to Respond to Director's Inquiry

Stamm violated ORS 731.296 in one instance by engaging in the following conduct. ORS 731.296 requires a person licensed in Oregon as an insurance

producer to promptly and truthfully respond to inquiries from the director. On 4/21/04, the Insurance Division received a complaint from Silvia Torres of Cornelius, Oregon, that Stamm was not returning her telephone calls about her insurance. On 4/26/04, the Insurance Division mailed by regular mail a letter to Stamm at his last recorded business mailing address of Pacific Rim Insurance, Inc., 4432 SE Belmont Street, Portland, OR 97215-1634. The letter requested Stamm to provide certain information about the complaint to the Insurance Division by 5/17/04. On 7/9/04, when Stamm did not respond by the due date, the Insurance Division mailed by certified mail a follow up letter to Stamm. On 8/2/04, the Insurance Division received the first follow up letter marked unclaimed. On 11/29/04, the Insurance Division mailed by certified mail another follow up letter to Stamm. On an unknown date, the Insurance Division received the second follow up letter marked unclaimed. The Insurance Division has not received any response from Stamm.

Enforcement Action Against Agency for Acts of Agent

PRI is subject to enforcement action pursuant to ORS 744.074(3) because Stamm violated the laws specified above; such violations were known or should have been known by Stamm as president of PRI; and such violations were either or both not reported to the director or corrective action was not taken by PRI.

Order

Pursuant to ORS 744.074(1), Stamm's and PRI's Oregon resident insurance producer licenses are revoked on the date of this order.

Notice of Right to Judicial Review

Each party may have the right to appeal the order to the Oregon Court of Appeals pursuant to ORS 183.480 and 183.482. If a party wants to appeal the order, the party must file a petition for judicial review with the Court of Appeals within 60 days from the date this order was served on the party. If the order was personally delivered to a party, then the date of service is the day the party received the order. If the order was mailed to a party, then the date of service is the day the order was mailed to the party, not the day the party received the order. If a party

does not file a petition for judicial review within the 60-day time period, then the party will lose the right to appeal this order. If a party appeals the order, the party should also send a copy of the petition to the Insurance Division.

Dated March 2, 2005

/s/ Joel Ario
Joel Ario
Administrator
Insurance Division
Department of Consumer and Business Services

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