

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

In the Matter of **Weldon R. Atteberry**) **FINAL ORDER**
) Case No. INS 05-04-006

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 Weldon R. Atteberry (Atteberry).

On 4/25/05, the director issued a notice of proposed action pursuant to ORS 183.415 notifying the party that the director proposed to take enforcement action against the party 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.

The director now makes the following final decision in this proceeding.

Findings of Fact and Conclusions of Law

Licensing Information

Atteberry has been licensed in Oregon as a resident individual insurance producer since 9/6/00. Atteberry's last recorded residence and business mailing address is located in Beaverton, Oregon.

Used a Fraudulent, Coercive, or Dishonest Practice in Business

Atteberry violated ORS 744.074(1)(h) in 20 instances by engaging in the following conduct. ORS 744.074(1)(h) prohibits a person from using a fraudulent, coercive or dishonest practice, or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in Oregon or elsewhere.

Atteberry used a fraudulent, coercive, or dishonest practice in insurance business.

At all relevant times, Atteberry was an authorized agent of various insurers of the

Farmers Insurance Group (collectively Farmers). Also at all relevant times, Atteberry was insured by Farmers under an automobile insurance policy, number was 14577-46-60. The policy was scheduled to expire, unless renewed, every six months on 3/28 and 9/28 of each year. Farmers required Atteberry, as an agent, to collect, and as an insured, to pay, the premium due for the policy before renewing, or if cancelled for nonpayment of premium then before reinstating, the policy. From 9/28/02 to 9/28/04, Atteberry knowingly renewed or reinstated the policy 20 times without paying any premium. Atteberry did this by using his Farmers' agent identification number and password to access Farmers' Agent Policy Processing System to change the status of the policy from out-of-force to in-force. Additionally, Atteberry, as an agent, received and retained from Farmers a total of \$165.38 in commission for purportedly renewing the policy, when he knew that he was not entitled to the commission. Furthermore, Atteberry knowingly filed with Farmers a claim under the policy in the amount of \$414.57 for a loss that occurred on 3/29/04 when he knew that the policy was not actually in-force and thus he was not entitled to the claim payment. Farmers paid the claim under the mistaken belief that the policy was in force at the time of the loss. On 11/4/04, Atteberry paid Farmers \$1,459.70 of the \$1,806.70 premium that was past due. Subsequently, Atteberry made changes to the policy that eliminated the remaining premium due. On 1/11/05, after Farmers discovered Atteberry's deception and theft of services, Farmers terminated Atteberry as an agent.

Order

Pursuant to ORS 744.074(1), Atteberry's Oregon resident individual insurance producer license is revoked on the date of this order.

Notice of Right to Judicial Review

The party may be entitled to have the final order reviewed by the Oregon Court of Appeals pursuant to ORS 183.480 and 183.482. A party may institute a proceeding for judicial review by filing with the court a petition for judicial review 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 files a petition, the party is requested to also send a copy of the petition to the Insurance Division.

Dated June 2, 2005

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

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