

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

In the Matter of **Kelly J. Mack**

) **STIPULATION** and
) **FINAL ORDER**
) Case No. INS 05-12-006

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 Kelly J. Mack (Mack).

Mack desires to conclude this proceeding without a hearing by entering into this stipulation pursuant to ORS 183.415(5).

Mack waives all rights relative to an administrative hearing and judicial review thereof.

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

Facts and Conclusions

Licensing Information

Mack was licensed in Oregon as a resident individual insurance producer from 5/30/01 to 5/31/05. Mack's license expired on 5/31/05. Mack's last recorded residence and business addresses are located in Sutherlin, Oregon.

Misappropriated Moneys or Property

Mack violated ORS 744.074(1)(d) in ten instances by engaging in the following conduct. ORS 744.074(1)(d) prohibits a person from improperly withholding, misappropriating, or converting, any moneys or properties received by the person in the course of doing insurance business. From December 2004 to April 2005, Mack received a total of \$2,397.96 from ten persons residing in Oregon as payment for insurance provided or to be provided by various insurers of the Farmers Insurance Group (Farmers). Mack deposited some of the money into her personal checking account. Mack did not forward the money to Farmers but instead used it to pay for

personal expenses, or insurance for other persons. Mack offered to reimburse Farmers for the total amount misappropriated.

Action

Pursuant to ORS 744.074(1) and 744.011, Mack's expired Oregon resident insurance producer license is revoked on the date of the final order.

As consideration for the director not further investigating or taking other enforcement action against Mack, Mack agrees to never renew her expired license, apply for any license authorized by ORS Chapter 744; or have any equity interest in, be an officer or director of, or be employed by or contracted with, any person that is issued any license authorized by ORS Chapter 744.

Dated December 9, 2005

/s/ Kelly J. Mack
Kelly J. Mack

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 December 21, 2005

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

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