



Inc. (Marsh) as a client executive. Marsh paid Hutchins a salary and provided other incentives based on her performance. Hutchins was responsible for servicing the clients assigned by Marsh to her. Marsh assigned to Hutchins six clients. Marsh, by and through Hutchins, entered into a Client Service Agreement (CSA) with each of the clients. In the CSAs, Marsh agreed to provide certain insurance related services to the client; and the client agreed to pay Marsh (1) a fee for such services, and (2) the net premium, rather than the gross premium, for each insurance policy purchased by the client. However, if Marsh received a commission for selling a policy issued to the client, then Marsh was required to credit the commission to the fee owed by the client. Marsh required Hutchins to determine if Marsh received a commission and if so then to credit the commission. From 2000 to 2005, Marsh received commission for selling policies to the clients. However, Hutchins could have but failed to determine that Marsh received the commission. As a result, Marsh overcharged the clients a total of \$105,173. Hutchins did not receive any portion of the overcharged amounts. Marsh discovered that they had overcharged the clients, and refunded or credited the overcharged amounts to the clients. On 10/27/05, Marsh terminated Hutchins.

**Action**

Pursuant to ORS 731.988, Hutchins is assessed a civil penalty of \$6,000. 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 (4<sup>th</sup> Floor), Salem, Oregon; or mailed to the Insurance Division at PO Box 14480, Salem, OR 97309-0405. The payment shall be *received* by the Insurance Division by 12/31/07.

Dated April 25, 2007

/s/ Debora A. Leopold-Hutchins  
Debora A. Leopold-Hutchins

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**FINAL ORDER**

The director incorporates herein and adopts the above stipulation as the director's final decision in this proceeding, and orders that no enforcement action shall be taken.

Dated May 2, 2007

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

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