

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

In the Matter of **Western Title and Escrow** ) **STIPULATION** and  
**Company of Lane County** ) **FINAL ORDER**  
 ) Case No. INS 07-11-003

**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 Western Title and Escrow Company of Lane County (Western Title).

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

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

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

**Facts and Conclusions**

Licensing Information

Western Title has been licensed in Oregon as a resident insurance producer since 1/3/05. Western Title's last recorded business address is located in Bend, Oregon.

Gave a Thing of Value to an Intermediary

Western Title is subject to enforcement action pursuant to OAR 836-080-0315 because of the following circumstances. OAR 836-080-0315 prohibits a person licensed in Oregon as an insurer or insurance producer that is authorized to transact title insurance from giving, either directly or indirectly, a thing of value, as defined in OAR 836-080-0310(4)-(5), to an intermediary, as defined in OAR 836-080-0310(2), unless permitted by OAR 836-080-0320 to OAR 836-080-0340. A thing of value is defined to include anything that has a monetary value. An intermediary is

defined to include a realtor. One exception is OAR 836-080-0320 which permits a title company to “give a thing of value, except money, to an intermediary if the net cost to the title company is \$2 or less per thing of value or individual receiving the thing of value, whichever is applicable, and if the thing of value is used only by the intermediary and not further distributed to other persons....” The amount is adjusted annually pursuant to OAR 836-080-0345. The adjusted monetary limit in 2007 was \$2.61. Another exception is OAR 836-080-0335 which permits a title company to give “a plant or flowers to an intermediary in connection with an open house of a new or substantially remodeled office of the intermediary if the net cost to the title company is \$50 or less.” The adjusted monetary limit in 2007 was \$65.22. There are no other possible applicable exceptions. On or about 9/20/07, Western Title purchased a notepad/pen gift set for \$22.50 and gave it to Amy C. Grand (Grand) dba Oregon Real Estate Properties as a gift to celebrate the grand opening of her new office in Springfield, Oregon. Grand is a realtor. The notepad/pen gift set was a thing of value. The exception in OAR 836-080-0320 did not apply because the gift cost more than \$2.61. The exception in OAR 836-080-0335(1) did not apply because the gift was not a plant or flowers. Therefore, Western Title was prohibited from giving the gift to Grand.

### **Action**

Pursuant to ORS 731.988, Western Title 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 (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 the date of the final order.

Dated 12/4/2007

/s/ George Slape  
[Signature of Representative]  
George Slape  
[Printed Name of Representative]  
President  
[Printed Title of Representative]

Western Title and Escrow Company  
of Lane County

**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 26, 2007

/s/ Carl N. Lundberg  
Carl N. Lundberg  
Deputy Administrator  
Insurance Division  
Department of Consumer and Business Services

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