

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

In the Matter of **Jerry S. Bowcut**) **STIPULATION** and
) **FINAL ORDER**
) Case No. INS 09-11-006

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 Jerry S. Bowcut (Bowcut).

Bowcut desires to conclude this proceeding without a hearing by entering into this stipulation pursuant to ORS 183.417(3).

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

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

Facts and Conclusions

Licensing Information

Bowcut was licensed in Oregon as a resident insurance producer from 7/8/02 to 7/31/04 and from 7/21/05 to 4/30/09. On 4/30/09, Bowcut's license expired. Bowcut's last recorded residence and business address was located in Portland, Oregon.

Forged Person's Name on Application for Insurance or Related Document and Misappropriated Money or Property Received in Course of Insurance Business

Bowcut is subject to enforcement action pursuant to ORS 744.074(1)(k) and ORS 744.074(1)(d) because of the following circumstances. ORS 744.074(1)(k) permits the director to take any authorized enforcement action against a person who has applied for a license or is licensed in Oregon as an insurance producer if the person forged another person's name to an application for insurance or to any document related to an insurance transaction. ORS 744.074(1)(d) permits the

director to take any authorized enforcement action against a person who has applied for a license or is licensed in Oregon as an insurance producer if the person improperly withheld, misappropriated, or converted, any moneys or properties received by the person in the course of doing insurance business. From 9/13/08 to 3/2/09, Bowcut completed eight Annuity or IRA Request Withdrawal forms requesting a total of \$48,500 be withdrawn from three annuities issued by Beneficial Life Insurance Company (Beneficial Life) to two persons who resided in Oregon. Bowcut copied the persons' actual signature from another document and affixed it to the withdrawal form without the knowledge and consent of the person. Bowcut indicated on the withdrawal forms that the money should be deposited into a US Bank account, number 153659987850. The account was established by a relative of Bowcut's but Bowcut had access to the account. Bowcut sent the completed withdrawal forms to Beneficial Life. Beneficial Life deposited the money into the account. Subsequently, Bowcut withdrew the money and used it to pay his personal expenses. Additionally, on 10/27/08, Bowcut completed a Request for Change of Address form requesting the address of a person who was the insured under an annuity issued by Beneficial Life and resided in Oregon, be changed to "12909 SW 68th Pkwy #100 Portland OR 97223." The address was Bowcut's business address. Bowcut copied the person's actual signature from another document and affixed it to the address change form without the knowledge and consent of the person. Bowcut sent the completed address change form to Beneficial Life. Subsequently, Beneficial Life discovered the forgeries and unauthorized withdrawals and terminated Bowcut.

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Action

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

As consideration for the director not continuing to investigate or taking additional enforcement action against Bowcut, Bowcut agrees to never 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 11/30/09

/s/ Jerry S. Bowcut
Jerry S. Bowcut

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 12/15/09

/s/ Teresa D. Miller
Teresa D. Miller
Administrator
Insurance Division
Department of Consumer and Business Services

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¹ ORS 744.011 permits the director to investigate and take enforcement action against a person who was licensed in Oregon as an insurance producer but is no longer licensed because the license expired or was surrendered.