

assessment not recouped pursuant to OAR 836-031-0855(7). However, if a member insurer chooses to recoup its assessment from its insureds, it may not recoup more than its assessment. If a member insurer recoups more than its assessment, then it must either payback the excess to insureds or carry over the excess pursuant to OAR 836-031-0855(9). If a member insurer carries over the excess, then it must either payback the excess to insureds, or, if permitted, pays the excess to OIGA pursuant to OAR 836-031-0855(10). A member insurer must annually certify to the director the total amount recouped during the previous year and that the amount recouped does not exceed the assessment pursuant to ORS 734.579(2). A member insurer must file the certification by June 1 of each year pursuant OAR 836-031-0855(8). At all relevant times, BCS was a member insurer of OIGA, was assessed by OIGA, and recouped or otherwise disposed of the assessment. BCS was required to file its certification for 2010 by 6/1/11. BCS filed its certification for 2010 on 6/8/11, seven days late.

Action

Pursuant to ORS 731.988(1), BCS is assessed a civil penalty of \$700. 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 or mailed to the Insurance Division at the Labor and Industries Building, 350 Winter Street NE Room 300, Salem, Oregon 97301-3880; 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 August 18, 2011

/s/ Lisa Faith

[Signature of Representative]

Lisa Faith

[Printed Name of Representative]

Senior Accountant

[Printed Title of Representative]

BCS Insurance Company

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 September 9, 2011

/s/ Scott L. Harra
Scott L. Harra
Acting Director
Department of Consumer and Business Services

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