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3 **STATE OF OREGON**
4 **DEPARTMENT OF CONSUMER AND BUSINESS SERVICES**
5 **DIVISION OF FINANCIAL REGULATION**

6 In the Matter of:

Case No. INS-22-0106

7 Alpha Property & Casualty Insurance
8 Company

**FINAL ORDER TO CEASE AND
DESIST AND FINAL ORDER
ASSESSING CIVIL PENALTIES,
ENTERED BY CONSENT**

9 Respondent.

10 The Director of the Oregon Department of Consumer and Business Services for
11 the State of Oregon (the “Director”) investigated the business activities of Alpha Property
12 & Casualty Insurance Company (“Alpha” or the “company”) and determined that it
13 violated certain provisions of Oregon Revised Statutes (“ORS”) chapters 731, 732, 733,
14 734, 735, 737, 742, 743, 743A, 743B, 744, 746, 748, and 750 and the rules promulgated
15 thereunder (collectively, the “Insurance Code”).

16 In consideration of Alpha’s cooperation with the Director’s investigation, its
17 implementation of a corrective action plan to address the violations identified in this
18 Consent Order, and its desire to resolve this matter;

19 Now, therefore, as evidenced by the signature(s) subscribed in this Order, Alpha
20 hereby CONSENTS to entry of this Order upon the Director’s Findings of Fact and
21 Conclusions of Law below.

22 **FINDINGS OF FACT**

23 The Director FINDS that:

24 1. Alpha is a foreign insurer licensed in Oregon since March 24, 2005, and
25 provides property and casualty products in the state. Its National Association of
26 Insurance Commissioners Company Code is 38156.

Division of Financial Regulation
Labor and Industries Building
350 Winter Street NE, Suite 410
Salem, OR 97301-3881
Telephone: (503) 378-4387



1 of this rule.¹

9. By failing to send the total loss notice, Alpha violated ORS 742.554(2) and OAR 836-080-0240(4).

10. Because Alpha violated ORS 742.554(2) and OAR 836-080-0240(4), the Director is authorized by ORS 731.252(1) to order Alpha to cease and desist from violating those statutes and rules.

11. ORS 731.988(1) authorizes the Director to assess a \$10,000 civil penalty against Alpha for each of its violations of the Insurance Code.

ORDERS

Now therefore, the Director issues the following Orders:

Order to Cease and Desist

12. As authorized by ORS 731.252(1), the Director ORDERS Alpha to CEASE AND DESIST from violating ORS 742.554(2) and OAR 836-080-0240(4).

Order Assessing Civil Penalties

13. As authorized by ORS 731.988(1), the Director ORDERS Alpha to pay \$50,000.00 in CIVIL PENALTIES for its 704 violations of ORS 742.554(2) and OAR 836-080-0240(4).

14. The Director SUSPENDS \$20,000.00 of the CIVIL PENALTIES, provided Alpha complies with these conditions:

- A. Alpha does not violate ORS 742.554(2);
- B. Alpha does not violate OAR 836-080-0240(4); and
- C. Alpha does not violate the terms of this Consent Order.

¹ The written statement is the Vehicle Total Loss Notice found as Exhibit 1 at https://dfr.oregon.gov/laws-rules/Documents/OAR/div80-0240_ex1.pdf



1 15. If Alpha satisfies the above conditions, the Director shall waive the suspended
2 portion of the civil penalties three years after the date of this Order. If Alpha fails to
3 satisfy the above conditions during the three-year period following the date of this Order,
4 however, the suspended portion of the civil penalties, amounting to \$20,000.00, will
5 become immediately due and owing.

6 16. Along with this Order, Alpha shall submit \$30,000.00 to the Director as
7 payment for the non-suspended civil penalties. Such payment shall be made at the time
8 Alpha signs and returns this Consent Order to the Director.

9 17. This Order is a “Final Order” under ORS 183.310(6)(b). Subject to that
10 provision, entry of this Order does not limit or prevent further remedies available to the
11 Director under Oregon law to enforce this Order or take action for violations of this
12 Order or of the Insurance Code not covered by this Order.

13
14 SO ORDERED this 30th day of March, 2023.

15 ANDREW R. STOLFI, Director
16 Department of Consumer and Business Services

17 /s/ Dorothy Bean
18 Dorothy Bean, Chief of Enforcement
19 Division of Financial Regulation

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ENTITY CONSENT TO ENTRY OF ORDER

I, Melissa Newville am an officer or manager of Alpha Property & Casualty Insurance Company (“Alpha”), and I am authorized to act and sign on its behalf. I have read the foregoing Order, and I know and fully understand the contents hereof. The factual allegations stated herein are true and correct. Alpha has been advised of the right to a hearing and of the right to be represented by counsel in this matter. Alpha voluntarily consents to the entry of this Order without any force or duress, expressly waiving any right to a hearing in this matter, as well as any rights to administrative or judicial review of this Order. Alpha understands that the Director reserves the right to take further action against it to enforce this Order or to take appropriate action upon discovery that Alpha has committed other violations of the Insurance Code. Alpha, along with its officers, directors, employees, or agents, will fully comply with the terms and conditions stated herein.

Alpha understands that this Order is a public document.

Signature: /s/ Melissa Newville

Position Held: Vice President

State of Texas

County of Dallas

Signed or attested before me on this 21st day of March,
2023.

/s/ Lisa Rojero
Notary Public

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