



settlement offer was based on a market survey, dated December 2, 1999 conducted by CCC Information Services, Inc., of the cost of comparable automobiles in the *Phoenix, Arizona* area rather than the local market area around *Myrtle Creek, Oregon*. Subsequently, after Goodson complained to the Insurance Division and the Insurance Division inquired into the matter, Dairyland conducted a local market survey and as a result revised its settlement offer to \$2,375, for an increase of \$310.

**Ultimate Facts**

Dairyland elected to make a cash settlement of an automobile insurance total loss claim based on a valuation obtained from a computerized database source which did not produce a fair market value based on current data available from the area surrounding the location where the insured automobile was principally garaged.

**Conclusions**

Dairyland violated OAR 836-080-0240(3)(a)(F).

**Action**

Dairyland shall pay a civil penalty of \$2,000 pursuant to ORS 731.988 on or before the date of the Final Order.

Dated July 13, 2000.

/s/ Dale R. Schuh  
Dale R. Schuh  
President  
Dairyland Insurance Company

**FINAL ORDER**

The Director adopts, and incorporates herein by this reference, the Facts, Ultimate Facts, Conclusions and Action in the above Stipulation as the Findings of Fact, Ultimate Findings of Fact, Conclusions of Law and Order, respectively, of this Final Order.

Dated July 20, 2000.

/s/ Mary C. Neidig  
Mary C. Neidig  
Director  
Department of Consumer and Business Services

**CERTIFICATE OF SERVICE**

I certify that on July 20, 2000 I served the above Stipulation and Final Order by mailing a copy thereof in a sealed envelope, with first class postage prepaid, to the party named therein.

/s/ Mitchel D. Curzon  
Mitchel D. Curzon  
Administrative Law Specialist  
Insurance Division