

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

In the Matter of **Ernest L. Robirds.**

) **STIPULATION** and  
) **FINAL ORDER**  
) Case No. INS 02-07-012

**STIPULATION**

The Director of the Department of Consumer and Business Services (director) commenced this administrative proceeding, pursuant to Oregon Revised Statutes (ORS) 731.256, to take disciplinary action against Ernest L. Robirds (Robirds).

Robirds enters into this Stipulation, pursuant to ORS 183.415(5), to conclude this proceeding without further administrative or judicial proceedings.

Robirds acknowledges that he received a Notice of Proposed Action, but waives any objections relative to such notice. Robirds acknowledges that he requested a hearing, but waives the right to have the hearing, and to be represented by an attorney at the hearing. Robirds also waives the right to receive a notice of rights and procedures in contested cases, and to judicial review of the Final Order.

Robirds admits and agrees to the following facts, conclusions, and action.

**Facts and Conclusions**

Licensing

Robirds has been licensed in Oregon as a resident insurance agent since 6/30/90, and as an insurance consultant since 7/23/02. Robirds' current license number is 111773. Robirds resides in Beaverton, Oregon, and works for Kipp and Company Insurance, Inc. in Portland, Oregon.

Use of a Dishonest Practice in the Transaction of Insurance

Robirds violated ORS 744.013(2)(g) (1999) in two instances by engaging in the following conduct:

1. Robirds signed the signature of Thomas J. Hurd (Hurd), dba All Clear Cleaning of Beaverton, Oregon, on a "Cancellation Request / Policy Release" form, dated 1/10/00, without the knowledge or consent of Hurd, and sending the form to

Valley Property & Casualty Insurance Company (Valley P&C) on or about 2/8/00, thereby causing Valley P&C to begin the process of canceling the commercial liability insurance policy, number 4301-CL-001992, issued by Valley P&C to Hurd.

2. Robirds misrepresented to Hurd in a telephone conversation sometime between 2/18/00 and 2/24/00 that Valley P&C was canceling the policy described above because Valley P&C was no longer writing window washing businesses and Valley P&C did not intend to renew Hurd's policy. This representation was false because Valley P&C intended to renew Hurd's policy, and Valley P&C did not in any manner inform Robirds that Valley P&C intended cancel or non-renew all policies insuring window washing businesses generally or Hurd's policy specifically.

Failure to Truthfully Respond to Director's Inquiry

Robirds violated ORS 731.296 in six instances by making the following false representations to the Insurance Division during a recorded face-to-face interview under oath on 12/18/00:

1. Robirds represented that he did not know that Kipp & Company Insurance, Inc. (Kipp & Co.) was not appointed by Valley P&C until sometime between 8/15/99 and 9/15/99. This representation was false because Richard L. Kipp, President of Kipp and Company Insurance, Inc. (Kipp & Co.), personally told Robirds before 8/15/99 which insurers had appointed Kipp & Co. and Valley P&C was not one of those insurers.

2. Robirds represented that Eckroth authorized Robirds or Kipp & Co. to service the policies issued by Valley P&C to Robirds' clients even though Valley P&C had not appointed Robirds or Kipp & Co. This representation was false because Eckroth could not, and did not, authorize Robirds or Kipp & Co. to service the policies.

3. Robirds represented that Valley P&C intended to non-renew all policies issued to Robirds' clients because Robirds was not appointed by Valley P&C and Robirds no longer represented an agency that was appointed by Valley P&C. This representation was false because Valley P&C did not intend to non-renew any such policies for this reason.

4. Robirds represented that Rhonda Eckroth (Eckroth), an underwriter with Valley P&C, told Robirds that Valley P&C had mistakenly attempted to cancel Hurd's policy by issuing the final billing notice dated 2/18/00, and Eckroth requested Robirds to send to Valley P&C a document signed by Hurd requesting Valley P&C to not cancel the policy. This representation was false because although Eckroth did speak to Robirds about Hurd's policy sometime between 2/8/00 and 2/18/00, Eckroth did not make any such statements.

5. Robirds represented that he sent to Valley P&C a "Cancellation Request / Policy Release" form dated 1/10/00, relative to a policy, number 4301CL001992, issued by Valley P&C to Thomas J. Hurd (Hurd) of Beaverton, Oregon, *after* Valley P&C sent to Hurd a final billing notice dated 2/18/00, and Hurd called Robirds about receiving the form. This representation was false because Robirds completed the "Cancellation Request / Policy Release" form on or about 1/10/00, mailed or caused it to be mailed to Burgard, Finek & Miller, Inc. dba Millers Insurance, an agent of Valley P&C, on or about 2/2/00, Valley P&C received the form on or about 2/8/00, Valley P&C prepared the final billing notice on or about 2/18/00, and Hurd received the final billing notice and called Robirds sometime between 2/18/00 and 2/24/00.

6. Robirds answered "No" to the question "Did you ever sign any, any other policy cancellation forms with anybody else's signature?" This was false because Robirds signed the signature of the following 12 individuals on lost policy request forms.

Name	Business	Date Signed	Policy No.
Marge Harman	JJMC Harmon, Inc. dba Rosewood...	1/10/00-2/2/00	4301CP001972
Diane Coleman	Valley Hardwood Floors	1/10/00-2/2/00	4301CP067037
Sam Sunki	Sunki Higgins dba The Sheepskin Shop	1/10/00-2/2/00	4301CP065234
[Undecipherable]	ORB Weavers, Inc.	1/10/00-2/2/00	4301CP001940
Tom Peterson	S&F Millworks, Inc.	1/10/00-2/2/00	4301CP066937
Pam Garlock	Steve Garlock Equipment, Inc.	1/26/00	4101CP001621
Peter Day	Viking Metal Industrial Grafic	1/10/00-2/2/00	4301CU003891-01
Peter Day	Viking Metal Industrial Grafic	1/10/00-2/2/00	4301CP003891
Virginia Bass	M&JB, Inc. dba Ginny's Ear Nest	1/10/00-2/2/00	4301CP066876
Boyd Svaren	B A Svaren, Inc.	1/10/00-2/2/00	4301CU065723
John Sunseri	John Sunseri	1/10/00-2/2/00	4301AU471760
Dick Gross	Dick Gross Equipment	1/10/00-2/2/00	4301SF071068

### **Action**

Pursuant to ORS 744.013(1) (1999), the Oregon insurance agent and consultant licenses issued to Robirds shall be suspended from January 1, 2003 to March 31, 2003.

Pursuant to ORS 731.988, Robirds shall pay a civil penalty of \$2,000. 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 or mailed to the Insurance Division at 350 Winter Street NE, Room 440, Salem, OR 97301-3883. The payment shall be received by the Insurance Division by the date of the Final Order.

Dated December 11, 2002

/s/ Ernest L. Robirds  
Ernest L. Robirds

### **FINAL ORDER**

The director adopts, and incorporates herein by this reference, the above Stipulation as the director's final decision in this proceeding.

Dated December 20, 2002

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

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