STATE OF OREGON
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
INSURANCE DIVISION

In the Matter of **Eternal Hills Memorial Gardens & Funeral Home, Inc.**	)	**STIPULATION** and
	)	**FINAL ORDER**
	)	Case No. INS 04-05-003

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 Eternal Hills Memorial Gardens & Funeral Home, Inc. (Eternal Hills).

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

Eternal Hills waives the right to receive a notice of proposed action, receive a notice of the rights of a party and procedures in contested cases, have a hearing, be represented by an attorney at the hearing, receive a proposed order, file exceptions to the proposed order, and have the final order judicially reviewed.

Eternal Hills stipulates to the following facts, conclusions, and action; and consents to the issuance of a final order incorporating this stipulation.

Facts and Conclusions

Licensing Information

Eternal Hills has been licensed in Oregon as a resident insurance agent from 5/9/96 to 5/31/99 and since 5/18/00. Eternal Hill's current license number is 808267. Eternal Hill's last recorded address is located in Klamath Falls, Oregon.

Failed to Deposit Insurance Premium into Trust Account

Eternal Hills violated ORS 744.083(1) in one instance by engaging in the following conduct. ORS 744.083(1) requires a person licensed in Oregon as an insurance agent to deposit into an insurance premium trust account all insurance premiums received by the person. On 6/11/03 Eternal Hills received from Mary E. Buzzard (Buzzard) of Klamath Falls, Oregon an application, and $25 in case as payment of the premium, for life insurance to be provided by Forethought Life

Insurance Company (Forethought). On or about 6/12/03, Eternal Hills deposited the cash, along with other monies, into Eternal Hills' only checking account, 180012408, at South Valley Bank & Trust in Klamath Falls, Oregon. This account was not an insurance premium trust account because Eternal Hills deposited into and withdrew from it monies for other purposes such as payments received for other services provided by Eternal Hills, payments for Eternal Hills' business expenses including payroll.

Action

Pursuant to ORS 731.988, Eternal Hills is assessed a civil penalty of $500. 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 to the Insurance Division at the Labor and Industries Building, 350 Winter Street NE, Room 440 (4th Floor), Salem, Oregon; or mailed to the Insurance Division at PO Box 14480, Salem, OR 97309-0405. The payment is due on, and shall be received by the Insurance Division by, the date of the final order.

Dated May 13, 2004

/s/ Tim Lancaster
[Signature of Representative]

Tim Lancaster
[Printed Name of Representative]

Executive Vice President
[Printed Title of Representative]

Eternal Hills Memorial Gardens
& Funeral Home, Inc.

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 May 26, 2004

/s/Cory Streisinger
Cory Streisinger
Director
Department of Consumer and Business Services