STATE OF OREGON
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
INSURANCE DIVISION

In the Matter of **Town & Country Dodge, Inc.**	)	**STIPULATION** and
	)	**FINAL ORDER**
	)	Case No. INS 05-04-018

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 Town & Country Dodge, Inc. (Town & Country).

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

Town & Country waives all rights relative to an administrative hearing and judicial review thereof.

Town & Country does not stipulate to the following facts and conclusions, but does not contest that the director can prove, by at least a *prima facie* case, such facts and conclusions.

Town & Country stipulates to the following action.

Town & Country consents to the issuance of a final order incorporating this stipulation.

Facts and Conclusions

Licensing Information

Town & Country has been licensed in Oregon as a resident business entity insurance producer since 8/22/00. Town & Country's last recorded business mailing address is located in Portland, Oregon.

Demonstrated Incompetence in Business

Town & Country violated ORS 744.074(1)(h) in 21 instances by engaging in the following conduct. ORS 744.074(1)(h) prohibits a person from, among other things, demonstrating incompetence in the conduct of business in Oregon. From 8/28/04 to

10/17/04, Town & County overcharged five insureds $40 each and 16 insureds $5 each for a total of 21 insureds and $280, as premium for asset protection insurance, commonly called GAP insurance, provided by American National Property and Casualty Company. Subsequently, after the Insurance Division conducted an investigation, Town & Country refunded the overcharged premium to each insured. The name of the insured, the date the insured applied for the insurance, the policy number, the amount Town & Country charged, the amount of premium that Town & Country should have charged, and the date Town & Country refunded the overcharged premium, in each instance is as follows:

Insured	Date of Application	Policy Number	Amount of Premium	Amount Charged	Diff.	Date of Refund
Davis	8/28/04	PHA0037912	$470	$475	$5	12/22/04
Hicks	8/28/04	PHA0037910	$470	$475	$5	12/30/04
Beasley	8/29/04	PHA0037906	$435	$475	$40	12/22/04
Workman	8/29/04	PHA0037907	$470	$475	$5	12/31/04
Stalker	8/30/04	PHA0037911	$470	$475	$5	12/31/04
Bourasa	9/4/04	PHA0038136	$470	$475	$5	12/22/04
Atkinson	9/4/04	PHA0038137	$470	$475	$5	12/22/04
Griffith	9/6/04	PHA0038138	$470	$475	$5	12/30/04
Menzel	9/7/04	PHA0038140	$470	$475	$5	12/30/04
Lillie	9/8/04	PHA0038139	$470	$475	$5	12/30/04
Dignam	9/11/04	PHA0038660	$470	$475	$5	12/22/04
Benning	9/14/04	PHA0038387	$435	$475	$40	12/22/04
Trottier	9/18/04	PHA0038659	$470	$475	$5	2/10/05
Simmons	9/29/04	PHA0039117	$470	$475	$5	12/31/04
Dublisky	10/6/04	PHA0039469	$470	$475	$5	12/22/04
Hallmark	10/6/04	PHA0039472	$470	$475	$5	12/30/04
Short	10/7/04	PHA0039633	$435	$475	$40	12/31/04
Duryea	10/11/04	PHA0039466	$435	$475	$40	12/22/04
Doran	10/15/04	PHA0039632	$435	$475	$40	12/22/04
Gibons	10/17/04	PHA0039636	$470	$475	$5	12/30/04
Coburn	10/17/04	PHA0039635	$470	$475	$5	12/22/04
Total					$280	

Action

Pursuant to ORS 731.988, Town & Country is assessed a civil penalty of $1,000. 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 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 24, 2005

/s/ Rafael Martinez
[Signature of Representative]

Rafael Martinez
[Printed Name of Representative]

Chief Executive Officer & President
[Printed Title of Representative]

Town & Country Dodge, 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 June 9, 2005

/s/ Joel Ario
Joel Ario
Administrator
Insurance Division
Department of Consumer and Business Services

//
//
//