

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

In the Matter of **Colleen A. Averill**) **STIPULATION** and
) **FINAL ORDER**
) Case No. INS 10-07-002

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 Colleen A. Averill (Averill).

Averill desires to conclude this proceeding without a hearing by entering into this stipulation pursuant to ORS 183.417(3).

Averill waives all rights relative to an administrative hearing and judicial review thereof.

Averill stipulates to the following facts, conclusions, action, and to the issuance of a final order incorporating this stipulation.

Facts and Conclusions

Licensing Information

Averill has been licensed in Oregon as a resident individual insurance producer since 6/7/88. Averill's license number is 106375 and NAIC national producer number is 34137. Averill's last recorded residence address is located in Beaverton, Oregon, and last recorded business address is located in Portland, Oregon. Currently, Averill is incarcerated at Coffee Creek Correctional Institute, 24499 SW Grahams Ferry Road, Wilsonville, OR 97070-7523.

Convicted of Felony Involving Dishonesty or Breach of Trust

Averill is subject to enforcement action pursuant to ORS 731.428(4) because of the following circumstances. ORS 731.428(4) requires the director to revoke, suspend, or refuse to renew, the Oregon insurance producer license issued to a person who was convicted of, among other things, a felony involving dishonesty or a breach of trust. Oregon Administrative Rules (OAR) 836-071-0321(1) defines a felony involving dishonesty as "includ[ing] but not limited to any offense constituting or involving theft,

burglary, perjury, bribery, forgery, counterfeiting, a false or misleading oral or written statement, deception, fraud, a scheme or artifice to deceive or defraud, a material misrepresentation or the failure to disclose material facts. On 3/11/10, Averill was convicted, based on a plea of no contest dated 2/23/10, by the Multnomah County Circuit Court in the criminal case of *State of Oregon vs. Colleen A. Averill*, case number 091034150, of seven counts of aggravated theft in the first degree, a class B felony, pursuant to ORS 164.057; seven counts of criminal mistreatment in the first degree, a class C felony, pursuant to ORS 163.205; and two counts of forgery in the first degree, a class C felony, pursuant to ORS 165.013. Averill committed the crimes between 3/13/06 and 4/8/09 by engaging in certain conduct as described in the Indictment dated 11/2/09.

Action

Pursuant to ORS 731.428(4), Averill's Oregon resident individual insurance producer license is revoked on the date of the final order.

As consideration for the director not continuing to investigate or taking additional enforcement action against Averill, Averill agrees to never apply for any license authorized by ORS Chapter 744; or have any equity interest in, be an officer or director of, or be employed by or contracted with, any person that is issued any license authorized by ORS Chapter 744.

Dated August 6, 2010

/s/ Colleen A. Averill
Colleen A. Averill

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 August 18, 2010

/s/ Teresa D. Miller
Teresa D. Miller
Administrator
Insurance Division
Department of Consumer and Business Services