

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

In the Matter of **Pepie D. Bieker**
dba B&W Company

) **STIPULATION** and
) **FINAL ORDER**
) Case No. INS 12-03-005

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 Pepie D. Bieker dba B&W Company (B&W).

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

B&W waives all rights relative to an administrative hearing and judicial review thereof.

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

Facts and Conclusions

Licensing Information

B&W has never been licensed in Oregon in any capacity under ORS Chapter 744. B&W's last known business street address is 346 NE Quimby, Bend, OR, 97701-4069; mailing address is 25920 Alfalfa Market Road, Bend, OR 97701-9655; telephone number is 541-330-8639.

Charged Impermissible Premium Financing Fee

B&W is subject to enforcement action pursuant to ORS 746.485(3) because of the following circumstances. ORS 746.485(3) permits a premium finance company to charge a service charge equal to or less than the combination of (1) the interest rate authorized in the section and (2) an additional charge of either (a) 10% of the amount financed or (b) \$50 whichever is less. From 11/9/09 to 5/28/10, in 11 instances, B&W financed insurance premiums, did not charge interest but did

charge an additional charge. In each instance, the additional charge exceeded the permissible additional charge. Thus, B&W charged \$836.75 more than permitted.

<u>Date</u>	<u>Insured</u>	<u>Amount Financed</u>	<u>Permissible Charge</u>	<u>Actual Charge</u>	<u>Excess Charge</u>
11/7/09	Robert Ford Jr.	\$825.00	\$50.00	\$150.00	\$100.00
11/9/09	Samuel Seman	\$825.00	\$50.00	\$150.00	\$100.00
11/20/09	John P. Hernandez	\$495.00	\$49.50	\$90.00	\$40.50
12/11/09	Robert Teske	\$1,000.00	\$50.00	\$100.00	\$50.00
12/17/09	Brooks A. Zerbe	\$1,000.00	\$50.00	\$100.00	\$50.00
12/28/09	Robert C. Salisbury	\$412.50	\$41.25	\$75.00	\$33.75
1/7/10	O4 Construction LLC	\$647.00	\$50.00	\$125.00	\$75.00
3/8/10	MCH Framing Inc.	\$1,100.00	\$50.00	\$200.00	\$150.00
3/9/10	Thomas F. Stiegeler	\$1,100.00	\$50.00	\$200.00	\$150.00
4/7/10	Todd C. Franco	\$375.00	\$37.50	\$75.00	\$37.50
5/28/10	Mark. W. Campbell	\$500.00	\$50.00	\$100.00	\$50.00
Total			\$528.25	\$1,365.00	\$836.75

Action

Pursuant to ORS 731.988(1), B&W is assessed a civil penalty of \$5,000.00. 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 the Labor and Industries Building, 350 Winter Street NE Room 300, Salem, OR 97301-3880; or mailed to the Insurance Division at PO Box 14480, Salem, OR 97309-0405. The payment shall be *received* by the Insurance Division by the date of the final order.

B&W shall refund the additional charges described above totaling \$836.75. B&W shall issue a refund check to each person that paid the charge within 30 days after the date of this order. If a refund check is not negotiated within 90 days after the date of this order, B&W shall send the unrefunded charge to the Oregon Department of State Lands (DST) pursuant to ORS 98.005 *et seq.* and OAR 141-045-0005 *et seq.* within 120 days after the date of this order. B&W shall report in writing to the director the results of B&W's disposition of the charges within 150 days after the date of this order including a spreadsheet showing the name and address of the payee, the check number, the date of the check, if the check was

negotiated then the date the check was paid by the bank, if the unrefunded charge was sent to DST then the date it was sent and a copy of the check issued to ODST.

Dated April 14, 2012

/s/ Pepie D. Bieker
Pepie D. Bieker
Owner
B&W Company

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 7, 2012

/s/ Louis Savage
Louis Savage
Acting Administrator
Insurance Division
Department of Consumer and Business Services

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