MIKE KREIDLER
STATE INSURANCE COMMISSIONER

DECLARATION OF MAILING
I declare under penalty of perjury under the laws of the State of Washington that on the date listed below, I mailed or caused delivery of a true copy of this document to parties listed below
DATED this 15th day of May 2006, at Tumwater, Washington.
Signed: Wendy Galloway

STATE OF WASHINGTON

OFFICE OF
INSURANCE COMMISSIONER
HEARINGS UNIT
Fax: (360) 664-2782

Phone: (360) 725-7000

FILED
MAY 12 2006
Hearings Unit, OIC
Patricia D. Petersen
Chief Hearing Officer

Patricia D. Petersen
Chief Hearing Officer
(360) 725-7105

Wendy Galloway
Administrative Assistant
(360) 725-7002
WendyG@OIC.wa.gov.

BEFORE THE STATE OF WASHINGTON
OFFICE OF INSURANCE COMMISSIONER

In the Matter of:	)	
	)	No. D05-409
DAVID S. LOWER,	)	
	)	FINAL ORDER TERMINATING
Licensee.	)	PROCEEDING
	)	

TO: David S. Lower
1434 Hidden Stream Court
Charlotte, North Carolina 28213

Mr. Clifford A. Webster, Esquire
Carney Badley Spellman
701 Fifth Avenue, Suite 3600
Seattle, Washington 98104-7010

AND TO: Mike Kreidler, Insurance Commissioner
Michael G. Watson, Chief Deputy Insurance Commissioner
John F. Hamje, Deputy Commissioner, Consumer Protection
Carol Sureau, Deputy Commissioner, Legal Affairs
PO Box 40255
Olympia, WA 98504-0255

On October 11, 2005, the Office of the Insurance Commissioner (OIC) entered Order No. D05-409 revoking David Lower's license. A Demand for Hearing was filed on December 1, 2005 on behalf of Licensee from Clifford A. Webster, Esq. of Carney Badley Spellman, P.S. of Seattle, Washington. Prior to the scheduled January 9, 2006 telephone prehearing conference, on December 29, 2005, a letter from the Licensee withdrawing his request for hearing was filed, together with a Stipulation and Order Levying a Fine which was executed by all parties in settlement of this

matter. Said letter, together with Stipulation and Order, are included in the hearing file and are by this reference incorporated herein.

Based upon the above activity:

IT IS HEREBY ORDERED that the proceeding in the matter of D05-409 is now dismissed with prejudice and the proceeding is terminated. The attached Stipulation and Order shall remain in full force and effect.

ENTERED this 12th day of May, 2006, at Tumwater, Washington.

PATRICIA D. PETERSEN
Chief Hearing Officer

MIKE KREIDLER
STATE INSURANCE COMMISSIONER

STATE OF WASHINGTON

Phone: (360) 725-7000

FILED

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Hearings Unit, DIC
Patricia D. Petersen
Chief Hearing Officer

OFFICE OF
INSURANCE COMMISSIONER

In the Matter of	)	No. D 05- 409
	)	
David S. Lower,	)	STIPULATION AND ORDER LEVYING A FINE
	)	
Licensee.	)	

STIPULATION BY AGENT

David S. Lower, ("licensee") hereby stipulates to the payment of a fine in the total amount of $ 500.00 based on the following facts which are hereby acknowledged. Licensee further stipulates and agrees that he will comply with Washington insurance laws and regulations in the future.

1. The Commissioner sent written inquiries on March 16, June 20 and September 6, 2005. These inquiries related to the business of insurance, requesting replacement fingerprint cards. Licensee did not respond to any of them. Each such failure to respond promptly in writing violated RCW 48.17.475. These failures prompted the issuance of an order to revoke licensee's license effective October 31, 2005.

2. Contact was made, on behalf of the licensee, November 28, 2005. As a result of this contact, an agreement was reached to pay the fine in lieu of revocation.

The licensee has engaged in practices that are not in accord with the standards set out in the insurance code of Washington. Accordingly, the licensee enters this Stipulation to the following Order voluntarily and with the understanding that such fine is in lieu of any suspension or revocation of the licensee's license for such conduct. The licensee further stipulates and agrees that the licensee will promptly respond to future inquiries from the Commissioner, that a failure to respond within fifteen business days from receipt of an inquiry will be considered untimely and a violation of RCW 48.17.475 justifying revocation of the licensee's license, and that the facts described above, and the fact of this stipulation, may be considered by the Commissioner in any future administrative actions regarding licensee.

Signed this 23rd day of December, 2005.

By: David S Lower
David S. Lower

Mailing Address: P.O. Box 40257 • Olympia, WA 98504-0257
Street Address: 5000 Capitol Blvd. • Tumwater, WA 98501

ORDER

Pursuant to RCW 48.17.560 and the foregoing Stipulation, the Commissioner hereby imposes a fine in the amount of $ 500.00 upon David S. Lower.

Pursuant to RCW 48.17.475, licensee shall respond to future inquiries from the Commissioner no later than fifteen business days from receipt of an inquiry and a failure to respond within such time will be considered untimely and a violation of RCW 48.17.475 justifying revocation of the licensee's license

The fine shall be paid in full within 30 days from the date of this Order. Upon failure to pay the fine, the Commissioner will revoke the license of the licensee and the fine will be recoverable in a civil action brought on behalf of the Commissioner by the Attorney General.

ENTERED AT TUMWATER, WASHINGTON, this 28th day of December, 2005

MIKE KREIDLER
Insurance Commissioner

By for Catherine E Rogerson
JOHN F. HAMJE
Deputy Insurance Commissioner
Consumer Protection Division

Investigator: Cheryl Penn

DECLARATION OF MAILING

I certify under penalty of perjury under the laws of the State of Washington that on the date listed below, I mailed or caused delivery of a true copy of this document to ***David S. Lower.***

Dated: December 28, 2005
At Tumwater, Washington

Victoria Meyer
Victoria Meyer