MIKE KREIDLER
STATE INSURANCE COMMISSIONER

STATE OF WASHINGTON

OFFICE OF
INSURANCE COMMISSIONER

Phone: (360) 725-7000

FILED

2004 OCT 25 P 12: 01

Hearings Unit, DIC
Patricia D. Petersen
Chief Hearing Officer

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 all parties below
DATED this 25 day of Oct 2004 at Tumwater, Washington.
Signed: W Galloway

HEARINGS UNIT
Fax: (360) 664-2782

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

Wendy Galloway
Administrative Assistant
WendyG@OIC.wa.gov.
(360) 725-7002
Fax # (360) 664-2782

In the Matter of:	NO. ~~G~~ 0 2004-191
MELISSA H. MATSON,	**NOTICE OF HEARING**
Licensee.	

TO: Melissa Matson
10309 North Fleetwood Street
Spokane, Washington 99208

COPY TO: Mike Kreidler, Insurance Commissioner
Michael G. Watson, Chief Deputy Insurance Commissioner
J. Scott Jarvis, Deputy Commissioner, Consumer Protection
Carol Sureau, Deputy Commissioner, Legal Affairs
John Hamje, Staff Attorney, Legal Affairs
Office of the Insurance Commissioner
PO Box 40255
Olympia, WA 98504-0255

On September 30, 2004, the Insurance Commissioner (Commissioner) received a Demand for Hearing, and on October 6, 2004, the Commissioner received and filed an amendment to the Demand for Hearing from Melissa H. Matson (Licensee). The purpose of said Demand for Hearing is to contest the Commissioner's Order Revoking License entered September 1, 2004. Said Order revokes the insurance agent's license of the Licensee effective September 21, 2004. Due to the timeliness of entering and mailing the subject the Order Revoking License, the Commissioner granted a discretionary stay of the Order Revoking License.

Accordingly, on October 13, 2004, the undersigned held a first prehearing teleconference in this matter. The Licensee appeared pro se and the Commissioner was represented by John F. Hamje, Staff Attorney with the Commissioner's Legal Affairs Division. During said prehearing conference, the undersigned reviewed administrative procedure and addressed all questions and concerns of the parties. Of significance, the Licensee requested a substantial amount of information regarding types of evidence she could and should present at hearing, and received this information from the undersigned during the subject first prehearing teleconference. Further, at the request of the undersigned, the Commissioner explained his interpretation of the applicable law which governs transaction of insurance business over state lines so that the Licensee could prepare her case in light of that interpretation.

Finally, during the subject first prehearing teleconference, the parties agreed that the hearing in this matter shall be scheduled to commence at **10:00 a.m., on Monday, November 8, 2004**. The Commissioner's request that the hearing be held in Spokane, Washington, was granted based upon the Commissioner's assertion that many of the elderly witnesses he wishes to call reside in and around Spokane, Washington, based upon the fact that the Licensee herself resides in Spokane, Washington, and based upon the fact that the Licensee entered no objection to the Commissioner's request.

The purpose of the hearing will be to determine the validity and propriety of the Commissioner's afore-referenced Order Revoking License.

The hearing will be held under the legal authority and jurisdiction granted the Commissioner by the Insurance Code, Title 48 RCW, and specifically RCW 48.04.010.

As stated in her Demand for Hearing, the Licensee asserts that the allegations by the Commissioner are inaccurate. In her follow up letter filed on October 15, 2004, the Licensee explained her position in more detail. The Commissioner's position is as stated in his afore-referenced Order Revoking License, a copy of which has been furnished to the Licensee and is incorporated herein by this reference.

The Commissioner will be represented by John F. Hamje, Staff Attorney with the Commissioner's Legal Affairs Division. His mailing address is P.O. Box 40255 and his telephone number is 360-725-7046. During the first prehearing teleconference, the Licensee advised that she will represent herself.

The adjudicative proceeding will be conducted pursuant to the requirements of ch. 34.05 RCW, the Administrative Procedure Act, and will be governed by the model rules of procedure, ch. 10-08 WAC. The Licensee may be represented by counsel, and may examine witnesses and fully respond and present evidence and argument on all relevant issues involved.

Based upon a delegation of authority from the Commissioner, the undersigned will conduct the hearing and will make the final decision and enter the final order relative to this matter. Her address is P.O. Box 40255, Olympia, WA 98504-0255 and her telephone number is (360) 725-7105.

As above, on October 13, 2004, the undersigned held a first prehearing teleconference in this matter. Any future questions or concerns, or requests for additional prehearing conferences, which may arise, may be directed by any party to Wendy Galloway, administrative assistant to the undersigned, who can be reached by telephone at (360) 725-7002, or at the above address.

As required by RCW 34.05.434(2)(I), you are advised that a party who fails to attend or participate in the hearing or other stage of the adjudicative proceeding may be held in default in accordance with ch. 34.05 RCW.

Pursuant to WAC 10-08-040(2) and in accordance with ch. 2.42 RCW, if a limited English-speaking or hearing impaired or speech impaired party or witness needs an interpreter, a qualified interpreter will be appointed. There will be no cost to the party or witness therefore, except as may be provided by ch. 2.42 RCW. A Request for Interpreter form is attached to the original of this Notice, with instructions thereon.

This Notice is provided pursuant to RCW 48.04.010 and RCW 34.05.434.

ORDER

Based upon the above activity,

IT IS HEREBY ORDERED that the adjudicative hearing in this matter shall commence on **Monday, November 8, 2004 at the hour of 10:00 a.m.,** in the Office of the Insurance Commissioner, One Rock Pointe, 1212 North Washington Street, Spokane, Washington 99201 in the lower level conference room.

ENTERED AT OLYMPIA, WASHINGTON, this 25th day of October, 2004.

PATRICIA D. PETERSEN
Presiding Officer