

BEFORE THE STATE OF WASHINGTON
OFFICE OF INSURANCE COMMISSIONER

FILED

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In the Matter of:) No. D07-0350
)
JOHN A. HANLEY, dba JURISCO) **OFFICE OF THE INSURANCE**
) **COMMISSIONER'S**
) **MOTION TO ALLOW TESTIMONY**
) **BY TELEPHONE OF:**
Licensee.) **(1) JOHN O'HASHI**
) **(2) MICHAEL HEIMBOLD**

Hearings Unit, DIC
Patrick D. Peterson
Chief Hearing Officer

The OIC moves to allow the testimony of two witnesses by telephone at the July 8, 2009 adjudicative hearing in this matter: John O'Hashi, an attorney with the California law firm of O'Hashi and Priver, and Michael Heimbald, an attorney with the California branch of the law firm Steptoe & Johnson.

Both Mr. O'Hashi and Mr. Heimbald are attorneys for bond principals. Both are mentioned in the OIC's order revoking license dated August 15, 2008: Mr. O'Hashi is the attorney referenced in the three bulleted paragraphs appearing at page four under the heading "Example three: Bond #1009805," and Mr. Heimbald is the attorney referenced in the paragraphs following the paragraph numbered 9 at pages 5-8. Both are residents of the state of California, and both are not parties in this matter.

WAC 10-08-180(1) authorizes telephonic testimony "if the rights of the parties will not be prejudiced and if each participant in the hearing has an opportunity to participate in, to hear, and, if technically and economically feasible, in the judgment of the presiding officer, to see the entire proceeding while it is taking place. However, the presiding officer shall grant the motion of any party showing good cause for having the hearing conducted in person at a rescheduled time."

Allowing these two California-based non-party fact witnesses to testify telephonically will not prejudice the rights of Mr. Hanley and pursuant to WAC 10-08-180(1), he remains free to move to conduct their testimony in person at a rescheduled time should "good cause" arise. Mr. Hanley knows each of these witnesses, and last Fall Mr. Hanley received all non-privileged and otherwise non-exempt public records

regarding the subject revocation order pursuant to his Public Records Act request for all such OIC records generated between November 10, 2005 and the date of the order. Accordingly, OIC and Mr. Hanley are each free to share any exhibits they see fit with these witnesses, with each other, and with the Presiding Officer well in advance of the July 8 hearing. Mr. Hanley will thus have the opportunity to fully participate in the hearing and to cross-examine these witnesses.

For the foregoing reasons, the OIC moves to allow Mr. O'Hashi and Mr. Heimbald to testify telephonically at the July 8 hearing.

Respectfully submitted this 20 day of May, 2009.



Alan Michael Singer
OIC Staff Attorney