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 24 day of Sept. 2009 at Tumwater, Washington.
Signed: Sally Johnson

STATE OF WASHINGTON

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VIA E-MAIL AND U.S MAIL

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Marcia Stickler, Staff Attorney, Legal Affairs Division
Office of the Insurance Commissioner
P.O. Box 40255
Olympia, WA 98504-0255

Re: Demand for Hearing in the Matter of Annette Cabin

Dear Mr. Goldsmith, Ms. Cabin and Ms. Stickler:

Mr. Talarico, in his letter dated August 20, 2009, made a determination that the Commissioner would not give consent under 18 USC 1033(e)(2) and would therefore not issue a letter of written consent to her. I assume the result of this refusal to give consent is, possibly among other consequences, that Ms. Cabin will not be granted an insurance agent's license in Washington.

Because in making this determination Mr. Talarico is acting on behalf of the Insurance Commissioner, this determination constitutes an act of the Commissioner.

RCW 48.04.010(1) provides:

> *(1) The commissioner may hold a hearing for any purpose within the scope of this code as he or she may deem necessary. <u>The commissioner shall hold a hearing:</u>*

...

(b) Upon written demand for a hearing made by any person aggrieved by any act, threatened act, or failure of the commissioner to act, ...

[Emphasis added.]

On August 24, 2009, Ms. Cabin's counsel filed a written Demand for Hearing pursuant to RCW 48.04.010(1)(b).

I understand that the first prehearing conference is scheduled in this matter. Holding a first prehearing conference does not necessarily mean that it has been determined that a party has a right to hearing, although it appears given the above analysis that Ms. Cabin does have a right to hearing. At the first prehearing conference, if the Commissioner wishes to contest the above interpretation, he would be most welcome to do so, and a ruling will be made on the issue of right to hearing at that time; thereafter, the actual administrative hearing will either be scheduled or not depending upon the ruling concerning whether Ms. Cabin has a right to hearing.

If the Commissioner does not choose to argue whether Ms. Cabin has a right to hearing, the first prehearing conference will merely include a discussion of the issues in this matter, a review of procedure to be expected at the administrative hearing and a determination of a mutually convenient hearing date.

Sincerely,

PATRICIA D. PETERSEN
Chief Hearing Officer

/sj