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 Mark A. Jacobs, Jeffrey L. Gingold, Esq.
DATED this 16th day of December, 2010 at Tumwater, Washington.
Signed: [signature]

STATE OF WASHINGTON

OFFICE OF
INSURANCE COMMISSIONER

Phone: (360) 725-7000
www.insurance.wa.gov

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Hearings Unit, DIC
Patricia D. Petersen
Chief Hearing Officer

HEARINGS UNIT
Fax: (360) 664-2782

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

Nicole Kelly
Paralegal
(360) 725-7002
NicoleK@oic.wa.gov

NOTICE OF RECEIPT OF DEMAND FOR HEARING

To: Mark A. Jacobs
10 Glenlake Parkway NE
Atlanta, GA 30161

Jeffrey L. Gingold, Esq.
Lane Powell, PC
1420 Fifth Avenue, Suite 4100
Seattle, WA 98101-2338

From: Patricia D. Petersen, Chief Hearing Officer

Date: December 14, 2010

Hearing: **Request for Hearing in the Matter of Mark A. Jacobs, et al.**
Order to Cease and Desist, Docket No. 10-0163

This is to advise you that on November 29, 2010, the Hearings Unit received and filed your Demand for Hearing.

Unless a date is entered at the end of this Notice, in approximately 5 working days, you will be contacted by the Hearings Unit to schedule a date for the prehearing conference in this matter. This prehearing conference, which will be held by telephone, will include: 1) Jeffrey L. Gingold, Esq., of Lane Powell, PC, representing Mark A. Jacobs in this matter; 2) Andrea L. Philhower, representing the Insurance Commissioner in this matter; and 3) Patricia D. Petersen, Chief Hearing Officer. The purpose of the prehearing conference is to discuss basic procedure to be followed before, during and after the hearing, as well as any issues or concerns which have arisen or which you believe will arise in your preparation for the hearing.

For your information, we have included a brief outline of hearing procedure below.

If you have any questions concerning this Notice or the prehearing conference to be scheduled, please contact Nicole Kelly, Paralegal, Hearings Unit, at the above telephone number or address.

HEARING PROCEDURES - OFFICE OF THE INSURANCE COMMISSIONER

The following is a brief summary of hearing procedure. Following the prehearing conference referred to above, a Notice of Hearing will be entered advising you of the date scheduled for the hearing. The specific rules which govern the hearing procedure, which include many more details, can be found primarily at Chapter 34.05 RCW (the Administrative Procedure Act) and Chapter 10-08 WAC. Your hearing will be presided over by a Hearings Judge who handles cases where actions of the Insurance Commissioner are appealed, such as yours. It will be conducted in a fairly formal manner; however, it will be as flexible as possible to accommodate the needs of the parties and any witnesses which may appear. You will be allowed to submit documents to support your version of the facts. Testimony may also be presented in the form of live witnesses, including the parties themselves; also, if requested, witnesses are allowed to testify over the telephone at the discretion of the Hearings Judge.

The hearing normally begins with each party presenting an opening statement summarizing what they intend to prove; then each party presents its case-in-chief which includes presentation of documents and testimony, subject to cross examination by the opposing party; then the hearing concludes with each party presenting its closing arguments summarizing what they believe they have shown.

The Hearings Judge is an individual who has not had any involvement with this case. The Hearings Judge w ill hear and make the final decision in the case without any communication, input or review by the Insurance Commissioner or staff or any other individual who has knowledge of the case. The Hearings Judge's final decision may 1) uphold the Commissioner's action; 2) reverse the Commissioner's action; or 3) impose penalties which are less than those contained in the Commissioner's action.

Please note that, pursuant to General Rule 24, Washington Rules of Court, attorneys representing individuals or entities in Washington State adjudicative proceedings such as this, need <u>not</u> be licensed as an attorney in Washington State.

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