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OFFICE OF
INSURANCE COMMISSIONER

2010 SEP 27 A 10: 07

HEARINGS UNIT
Fax: (360) 664-2782

Hearings Unit, DIC
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Chief Hearing Officer

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

Nicole Kelly
Paralegal
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NOTICE OF RECEIPT OF DEMAND FOR HEARING

To: Melvin N. Sorensen, Esq.
Carney Badley Spellman, P.S.
701 5th Ave Ste 3600
Seattle, WA 98104-7010

And To: Lauren G. Smith
Nation Motor Club, Inc.
800 Yamato Rd., Suite 100
Boca Raton, FL 33431

From: Patricia D. Petersen, Chief Hearing Officer 

Date: September 21, 2010

Hearing: No. 10-0165

This is to advise you that your Demand for Hearing, received by the Office of Insurance Commissioner on September 7, 2010, has been filed with the Hearings Unit on September 8, 2010.

We note that you have requested that an administrative law judge from the Office of Administrative Proceedings (OAH) conduct the hearing in this matter. Accordingly, in order to accommodate your request, administrative discretion is being used in this case to transfer the hearing file to OAH. Per our arrangement with OAH, an administrative law judge with OAH will be appointed to hear this matter and enter an Initial, or Recommended, Order. The Initial Order, together with the entire hearing file and record of the proceedings, will then be returned by OAH to this Hearings Unit. At that time, the entire hearing file and Initial Decision entered by OAH will be reviewed by a Review Judge, who will then enter the Final Findings of Facts, Conclusions of Law and Order in this matter. The Office of Administrative Hearings is located at 2420 Bristol Court,

Notice of Receipt of Demand for Hearing

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Olympia and their phone number is (360) 664-8717. More details about this procedure appear below.

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

HEARING PROCEDURES – OFFICE OF THE INSURANCE COMMISSIONER

Depending on your Demand for Hearing and applicable statutes, you may have had two options available for the procedure by which your hearing will be conducted. These two options are as follows:

Option 1: Your hearing will be presided over by an Administrative Law Judge who handles appeals from actions of the Insurance Commissioner, pursuant to Title 34 RCW, the Administrative Procedures Act, and Title 48 RCW. The Administrative Law Judge is an individual who, by statute, may have no prior involvement with either the facts or any issues involved in this case. The Administrative Law Judge will 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 Administrative Law Judge's final decision may uphold or reverse the Commissioner's action or may instead impose any penalties, which are less than those contained in the Commissioner's action.

Option 2: Your hearing may be presided over by an Administrative Law Judge from the Office of Administrative Hearings. That Administrative Law Judge will issue an initial, or recommended, decision which will then be sent to the Insurance Commissioner along with the entire hearing file. The Insurance Commissioner, or his designee, will review the entire hearing file, and the Initial Decision, make the final decision and enter a Final Findings of Facts, Conclusions of Law and Order accordingly. The Insurance Commissioner's final decision in the case may uphold, reverse or modify the initial decision, and may thereby change the penalty which is recommended in the initial decision. In writing the final decision, the Insurance Commissioner is not bound by the findings of facts or conclusions of law which were made in the initial decision.

Based upon your request in your Demand for Hearing, your hearing will be handled under Option 2 described above.
