

March 1, 2011

John F. Hamje, Deputy Insurance Commissioner
Office of the Insurance Commissioner
P.O. Box 40257
Olympia, WA 98504-0257

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HAMJE

MAR 04 2011
Hearings Unit, DIC
Patricia D. Peiersen
Chief Hearing Officer
INSURANCE PROTECTION

Dear Mr. Hamje:

This letter is written in response to my denied 1033 Request. It is my belief that the decision to deny my 1033 Request will be harmful to my present employment situation. In addition to being harmed by this decision, I also disagree with the finding that I have not been fully rehabilitated or that I in any way constitute a threat to insurance consumers.

Please consider this letter as my request to demand a hearing to contest this decision. I am presently in touch with The Center For Justice in Spokane seeking representation for this hearing. Although I have not confirmed with CFJ that they are willing to represent me regarding this matter, I must make this demand for a hearing to contest this decision within the specified time frame, (as outlined in my letter of denial to my 1033 Request).

In closing, although my license expired on October 20, 2010, I would be able to have any continuing education credits completed as required for my license renewal. It is only because of my denied 1033 Request these have not been paid for and completed. I assure you that if the contested hearing goes in my favor, that completion of the required continuing education credits will be promptly done. I also would like to thank you for your time in considering my demand for a hearing.

Respectfully,


Kenneth H. Huston

From: Baughman, Jeff (OIC) (JeffB@OIC.WA.GOV)
To: kenny_huston@yahoo.com;
Date: Fri, December 3, 2010 1:26:50 PM
Cc: AndreaP@OIC.WA.GOV; JeffB@OIC.WA.GOV;
Subject: OIC Response to your 1033 Request

HAMJE
MAR 04 2011

Office of the Insurance Commissioner, State of Washington
5000 Capitol Blvd.
Tumwater, Washington 98501

December 3, 2010

Kenneth H. Houston
601 W. Maxwell Avenue, Suite 2
Spokane, Washington 99201

Mr. Huston;

The information OIC has regarding the felonies of which you have been convicted suggests that they are felonies for which a §1033 waiver would be required in order for you to legally practice the business of insurance in Washington. However, the OIC has determined that it will not issue a §1033 waiver because the issuance of such a waiver requires a finding by OIC that you have been fully rehabilitated and no longer constitute a threat to insurance consumers. Based upon your failure to disclose your prior felony convictions on three separate applications for reinstatement, we cannot make these findings. Moreover, even if we could conclude that you are entitled to a §1033 waiver, OIC could not renew your insurance producer's license based upon RCW 48.17.530 (1)(a) and (c) (authorizing OIC to refuse to issue a license on the basis of providing incomplete or materially untrue information in the license application, or on the basis of obtaining or attempting to obtain a license through misrepresentation or fraud). Therefore, issuance of such a waiver would be moot in any case. We believe it would be inappropriate to further consider your application for a §1033 waiver since your producer license has expired on October 20, 2010 and we would deny any application for reinstatement.

You have the right to demand a hearing to contest this decision. During this hearing, you can present your argument that the decision should not have been entered for legal and/or factual reasons and/or to explain the circumstances surrounding the activities which are the subject of this decision. You may be represented by an attorney if you wish, although it is not required. In many hearings before this agency parties do choose to represent themselves without an attorney. Your Demand for Hearing must be made within 90 days after the date of this decision, which is the date of mailing, or your Demand will be invalid and this decision will stand.

Your Demand for Hearing should be sent to John F. Hamje, Deputy Insurance Commissioner, Office of the Insurance Commissioner, P.O. Box 40257, Olympia, WA 98504-0257, and must briefly state how you are harmed by this decision and why you disagree with it. You will then be notified both by telephone and in writing of the time and place of your hearing. If you have questions concerning filing a Demand for Hearing or the hearing process, please telephone the Hearings Unit, Office of the Insurance Commissioner, at 360/725-7002.

Thanks,

Jeff Baughman
Licensing & Education Program Manager
Office of the Insurance Commissioner
State of Washington
(360) 725-7156