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OFFICE OF
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2011 SEP -7 P 12:51

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BEFORE THE STATE OF WASHINGTON
OFFICE OF INSURANCE COMMISSIONER

In the Matter of)	Docket No. 11-0047
)	
Paul A. Bowman,)	FINDINGS OF FACT, CONCLUSIONS
)	OF LAW AND FINAL ORDER
Nonresident Licensee.)	
_____)	

TO: Paul A. Bowman
621 South E Street
Grangeville, ID 83530

COPY TO: Mike Kreidler, Insurance Commissioner
Michael G. Watson, Chief Deputy Insurance Commissioner
John F. Hamje, Deputy Commissioner, Consumer Protection Division
Marcia G. Stickler, Staff Attorney, Legal Affairs Division
Carol Sureau, Deputy Commissioner, Legal Affairs Division
Office of the Insurance Commissioner
PO Box 40255
Olympia, WA 98504-0255

Pursuant to RCW 34.05.434, 34.05.461, 48.04.010 and WAC 10-08-210, and after notice to all interested parties and persons the above-entitled matter came on regularly for hearing before the Office of Insurance Commissioner for the state of Washington commencing at 11:00 am on May 16, 2011. All persons to be affected by the above-entitled matter were given the right to be present at such hearing during the giving of testimony, and had reasonable opportunity to inspect all documentary evidence. The Insurance Commissioner appeared pro se, by and through Marcia G. Stickler, Esq., Staff Attorney in his Legal Affairs Division. Paul A. Bowman appeared pro se.



NATURE OF PROCEEDING

The purpose of the hearing was to take testimony and evidence and hear arguments as to whether the Insurance Commissioner's Order Revoking License, No. 11-0023, entered by the Insurance Commissioner on February 11, 2011, should be confirmed, set aside or modified. Said Order Revoking License revokes the Washington nonresident producer's license of Paul A. Bowman, based upon the facts alleged therein. By letter filed February 28, 2011, Paul A. Bowman requested this hearing to contest the Order revoking his nonresident producer's license.

FINDINGS OF FACT

Having considered the evidence and arguments presented at the hearing, and the documents on file herein, the undersigned presiding officer designated to hear and determine this matter finds as follows:

1. The hearing was duly and properly convened and all substantive and procedural requirements under the laws of the state of Washington have been satisfied. This Order is entered pursuant to Title 34 RCW and Title 48 RCW, and, for good cause shown, RCW 34.05.461(8)(a).

2. Paul A. Bowman (the "Licensee") has held a Washington nonresident life and disability insurance producer's license since August 30, 2000.

3. The Licensee held a resident Idaho insurance producer's license, No. 28086, until the State of Idaho revoked it effective February 1, 2011, as set forth below.

4. On June 25, 2010, the Idaho Department of Insurance filed a Verified Notice of Violation and Right to Hearing on the Licensee, setting forth six counts, alleging a total of sixteen alleged violations of Title 41, Idaho Code. On July 6, 2010, the Licensee filed a response to said Notice of Violation denying all sixteen allegations therein. [Ex. 2, Stipulation and Admission to One Violation (Idaho Code Sec. 41-1016(1)(j)); Testimony of Licensee.] On January 6, 2011, the Licensee and the Idaho Department of Insurance entered into a Stipulation and Admission to One Violation, whereby the Licensee denied all allegations except that he admitted to one violation of forgery, a violation of Idaho Code Sec. 41-1016(1)(j), and the remaining sixteen alleged violations of Title 41, Idaho Code, were dismissed with prejudice. [Ex. 2, Stipulation and Admission to One Violation (Idaho Code Sec. 41-1016(1)(j)); Testimony of Licensee.] Based upon said Stipulation and Admission, on February 1, 2011, the Idaho Department of Insurance accepted the Licensee's admission to the one violation of forgery, entered an order revoking the Licensee's Idaho resident producer's license and fined him \$1,000 as a penalty, which was suspended until such time as the Licensee applies for another insurance license with the Idaho Department of Insurance whereupon said fine will be immediately due and payable before the Idaho Department of Insurance shall consider the Licensee's application. [Ex. 1, Final Order and Dismissal with Prejudice of Certain Allegations; Testimony of Licensee.]

5. Based upon the above Stipulation and Admission, it is here found that the Idaho Department of Insurance ordered the Licensee to pay an administrative penalty for his activities in the amount of \$1,000, the payment of which was suspended until such time that the Licensee makes application for a new insurance license with the Idaho Department of Insurance whereupon, if he makes application, said fine will be immediately due and payable before the Idaho Department of Insurance will consider his application.

6. Based upon the above Stipulation and Admission, it is here found that the Licensee's resident insurance producer's license in Idaho, No. 28086, was revoked.

7. The Licensee has not maintained in good standing his Idaho resident insurance producer's license in his home state of Idaho.

8. The Washington Insurance Commissioner presented no witnesses on his behalf. He relied strictly upon the written evidence presented and admitted as evidence in this proceeding.

9. Paul A. Bowman, the Licensee, appeared as the sole witness on his behalf. Mr. Bowman presented his testimony in a manner which appeared to minimize the action taken against him in Idaho, and lacked concern about the activities underlying the Idaho action. He also appeared fairly unprepared, presenting no evidence to support his position except his live testimony, even though he was present at the prehearing conference in this matter wherein the undersigned detailed procedure – and types of evidence – which could be presented at hearing and she also emphasized the importance that he establish facts to support his position.

10. Based upon the above facts, particularly the fact that the Idaho Insurance Department revoked the Licensee's Idaho resident insurance producer's license effective February 1, 2011, and the fact that the Licensee has not maintained in good standing his Idaho resident insurance producer's license in his home state of Idaho, the Washington Insurance Commissioner's Order Revoking License, No. 11-0023, revoking the Licensee's Washington nonresident insurance producer's license, is reasonable and should be upheld.

CONCLUSIONS OF LAW

1. The hearing was duly and properly convened and all substantive and procedural requirements under the laws of the state of Washington have been satisfied. This Order is entered pursuant to Title 48 RCW and specifically RCW 48.04; Title 34 RCW; and, for good cause shown, RCW 34.05.461(8)(a).

2. RCW 48.17.530(1)(i) provides:

(1) The commissioner may ... revoke ... an insurance producer's license ... for any one or more of the following causes: ...

(i) Having an insurance producer license ... revoked in any other state

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It is hereby concluded that based upon the above facts that the Idaho Department of Insurance revoked the Licensee's Idaho resident insurance producer's license effective February 1, 2011, the Washington State Insurance Commissioner is authorized under RCW 48.17.530(1)(i) to revoke the Licensee's Washington nonresident insurance producer's license.

3. WAC 284-17-122 provides:

Applicants who are not residents of Washington may be licensed as nonresident insurance producers without taking the required Washington examinations ... if:

- (1) The applicant has and maintains in good standing a similar license in his or her home state for the applicable line(s) of authority ...; and
- (2) The home state reciprocates and licenses Washington's insurance producers as nonresident insurance producers.

Based upon the above facts that the Licensee was disciplined for one violation of forgery in Idaho, and that the Idaho Department of Insurance revoked his resident insurance producer's license in Idaho for this violation effective February 1, 2011, it is hereby concluded that the Licensee has not maintained his Idaho insurance producer's license in good standing in his home state of Idaho, as contemplated by WAC 284-17-122.

4. It is hereby concluded that, for the above reasons, the Washington State Insurance Commissioner's Order Revoking License, No. 11-0023, revoking the Washington nonresident insurance producer's license of Paul A. Bowman, should be upheld.

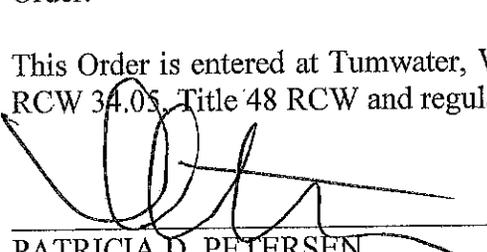
ORDER

On the basis of the foregoing Findings of Facts and Conclusions of Law,

IT IS HEREBY ORDERED that, the Insurance Commissioner's Order Revoking License, revoking the Washington nonresident insurance producer's license of Paul A. Bowman, is upheld.

IT IS FURTHER ORDERED that, based upon the Findings of Facts and Conclusions of Law, Paul A. Bowman shall surrender his Washington nonresident insurance producer's license to the Washington State Insurance Commissioner within ten days of the date of entry of this Final Order.

This Order is entered at Tumwater, Washington, this 14 day of September, 2011, pursuant to RCW 34.05, Title 48 RCW and regulations applicable thereto.



PATRICIA D. PETERSEN
Presiding Officer

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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 through normal office mailing custom, a true copy of this document to the following people at their addresses listed above: Paul A. Bowman, Mike Kreidler, Michael G. Watson, John F. Hamje, Esq., Marcia G. Stickler, Esq., and Carol Sureau, Esq.,

DATED this _____ day of September, 2011.

KELLY A. CAIRNS