



FILED

OFFICE OF
INSURANCE COMMISSIONER

2011 APR 18 P 2:04

Mark S. Kinder
Public D. Position
Chief Hearing Officer

In the Matter of

Mark S. Kinder

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No. 11-0036

REQUEST FOR CONTINUANCE

The Washington State Office of the Insurance Commissioner ("OIC") hereby requests a two month continuance of the hearing on Order No. 11-0036, currently scheduled for 10 a.m. on May 13, 2011.

THIS REQUEST IS BASED ON THE FOLLOWING:

This matter involves the denial of a producer license by the OIC on December 3, 2010 based upon RCW 48.17.530(1) (h), the use of fraudulent, coercive, or dishonest practices, or demonstration of incompetence, untrustworthiness, or financial irresponsibility in this state. The OIC's denial arose from the Department of Financial Institutions' ("DFI") investigation and resulting surrender of Mr. Kinder's mortgage broker license and from the Department of Licensing's ("DOL") revocation of his real estate license. Following assignment of this file, I contacted both DFI and DOL to obtain the facts supporting the surrender and revocation of licenses. I was informed by DFI that there were nine (9) boxes of files in storage but they would be recalled. I was notified by DFI that the files were available on April 7, 2011 and I made arrangements to review those files on April 14, 2011.

Upon my return from reviewing files at DFI on April 14, I was contacted by DFI and informed that they had located two additional files, which I anticipate going back to review on April 19, 2011. My cursory review of the DFI files indicates that the investigations on which the two license surrender/revocations rest are extremely complex and involve approximately 35 mortgage broker and real estate transactions in which Mr. Kinder was involved. DFI's nine boxes of documents contain various mortgage broker and real estate transaction documents that were a part of a lengthy investigation that took nearly two years. The DFI investigator, William Halstead, is now a prosecutor in Lewis County. Mr. Halstead, if even available to testify, will need time to review the documents. If he is unable to testify, another DFI investigator will need to familiarize themselves with the evidence in the case.

Lastly, I need time to analyze and prepare the evidence involving these unfamiliar areas for presentation at hearing. Unfortunately, the settlement documents, which fully explain the facts



REQUEST FOR CONTINUANCE

No. 11-0036

Page 2

supporting the DFI's decision and resulting surrender of license by Mr. Kinder, are unavailable for presentation at hearing.

Based upon the voluminous amount of materials and the complex issues inherent in these mortgage and real estate transactions and Mr. Kinder's role in them, which support the two agencies' decisions, the OIC respectfully requests a two month continuance of the hearing, until July 2011.

REQUESTED this 18th day of April, 2011.

MIKE KREIDLER
Insurance Commissioner

By



Robin E. Aronson
Staff Attorney – Legal Affairs

REQUEST FOR CONTINUANCE

No. 11-0036

Page 3

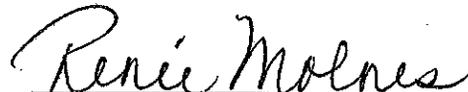
CERTIFICATE OF MAILING

The undersigned certifies under the penalty of perjury under the laws of the State of Washington that I am now and at all times herein mentioned, a citizen of the United States, a resident of the State of Washington, over the age of eighteen years, not a party to or interested in the above-entitled action, and competent to be a witness herein.

On the date given below I caused to be served the foregoing Request for Continuance on the following individual via US Mail.

Mark S. Kinder
7918 150th Street E
PO BOX 731483
Puyallup, WA 98375

DATED this 18th day of April, 2011, at Tumwater, Washington.



Renee Molnes
Administrative Assistant