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OFFICE OF
INSURANCE COMMISSIONER
HEARINGS UNIT

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BEFORE THE STATE OF WASHINGTON
OFFICE OF INSURANCE COMMISSIONER

In the Matter of)	Docket No. 11-0178
)	
Rick L. Clatfelter,)	FINAL ORDER DENYING
)	RECONSIDERATION
Respondent.)	
_____)	

TO: Rick L. Clatfelter
24609 S. 211th Place
Queen Creek, AZ 85142

Cindy A. Johnson
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1011 East Main, Suite 456
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COPY TO: Mike Kreidler, Insurance Commissioner
Michael G. Watson, Chief Deputy Insurance Commissioner
John F. Hamje, Deputy Commissioner, Consumer Protection Division
Jeff Baughman, Licensing Manager, Consumer Protection Division
Marcia 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

This matter comes before the undersigned on Rick L. Clatfelter's (Clatfelter) Motion for Reconsideration of the undersigned's Findings of Facts, Conclusions of Law and Final Order entered January 30, 2012 which upholds and adds terms to the Insurance Commissioner's (OIC) Order to Not Renew License entered August 4, 2011. Clatfelter's Motion for Reconsideration

FINAL ORDER ON RECONSIDERATION

11-0178

Page - 2

was filed February 7, 2012, the undersigned agreed to hear oral argument thereon, and accordingly the Motion for Reconsideration was argued by the parties on April 30, 2012.

Briefly, first, in support of his Motion for Reconsideration, Clatfelter argues that at the time the events at issue in this matter occurred, 2005, RCW 48.17.530(1)(e) had not yet been amended and therefore the wording of said statute which should have been applied at hearing should have been the 2005 wording of this statute and not the current wording. Second, Clatfelter argues that he did not admit to all of the elements required to show a violation of RCW 48.30.210 and 48.17.530(1). Third, Clatfelter argues that Ex. 3 should not have been admitted because it is a violation of the rules of evidence regarding hearsay.

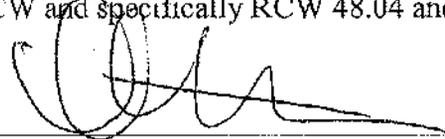
Pursuant to applicable rules of court and case law, reconsideration is an extraordinary remedy, to be used sparingly in the interests of finality and conservation of judicial resources. A motion for reconsideration should not be granted, absent highly unusual circumstances, unless the undersigned is presented with newly discovered evidence, committed clear error, or if there is an intervening change in the controlling law. A motion for reconsideration cannot be used to provide parties with a second bite at the apple. A motion for reconsideration should not be used to ask a court to rethink what the court had already thought through, rightly or wrongly.

Most importantly, reconsideration may not be based upon evidence and legal arguments that could have been presented at the time of the challenged decision. The Licensee's arguments presented to support his Request for Reconsideration all include evidence and legal arguments that either could have been presented at the time of the hearing herein or actually were presented at the time of the hearing herein. Further, the Licensee has not persuaded the undersigned that she has committed manifest error. After careful review and consideration of the Licensee's Motion, the arguments of the parties and the entire hearing file, it is hereby concluded that the Licensee has not made the requisite showing for reconsideration.

Based upon the above,

The Licensee's Request for Reconsideration is DENIED. The Findings of Facts, Conclusions of Law and Final Order entered by the undersigned on January 30, 2012 became effective as of that date and shall remain effective as written.

ENTERED AT TUMWATER, WASHINGTON, this 23rd day of July, 2012, pursuant to Title 48 RCW and specifically RCW 48.04 and Title 34 RCW and regulations applicable thereto.



PATRICIA D. PETERSEN
Presiding Officer

FINAL ORDER ON RECONSIDERATION

11-0178

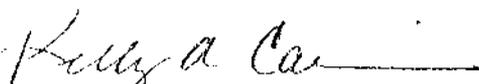
Page - 3

Pursuant to RCW 34.05.461(3), the parties are advised that they may seek reconsideration of this order by filing a request for reconsideration under RCW 34.05.470 with the undersigned within 10 days of the date of service (date of mailing) of this order. Further, the parties are advised that, pursuant to RCW 34.05.514 and 34.05.542, this order may be appealed to Superior Court by, within 30 days after date of service (date of mailing) of this order, 1) filing a petition in the Superior Court, at the petitioner's option, for (a) Thurston County or (b) the county of the petitioner's residence or principal place of business; and 2) delivery of a copy of the petition to the Office of the Insurance Commissioner; and 3) depositing copies of the petition upon all other parties of record and the Office of the Attorney General.

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: Rick L. Clatfelter, Mike Kreidler, Michael G. Watson, John F. Hamje, Esq., Jeff Baughman, Marcia Stickler, Esq., and Carol Sureau, Esq.

DATED this 23rd day of July, 2012.


KELLY A. CAIRNS