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OFFICE OF
INSURANCE COMMISSIONER

2011 OCT 24 A 11: 53

HEARINGS UNIT
Fax: (360) 664-2782

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

Kelly C. Cairns, BIC
Patricia D. Peterson
Chief Hearing Officer
Paralegal
(360) 725-7002
KellyC@oic.wa.gov

BEFORE THE STATE OF WASHINGTON
OFFICE OF INSURANCE COMMISSIONER

In the Matter of)	Docket No. 11-0178
)	
Rick L. Clatfelter,)	NOTICE OF HEARING
)	
Respondent.)	
_____)	

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

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

On August 4, 2011, the Insurance Commissioner (OIC) issued an Order To Not Renew License No. 11-0178, ordering that no new Washington insurance producer's license be issued to Rick L. Clatfelter, who had canceled his previous Washington producer's license on December 22, 2006. The OIC's Order was based upon the OIC's assertion, briefly, that Mr. Clatfelter knowingly made a false or misleading statement or impersonation in or relative to an application for insurance to an insurer by using a rubber signature stamp bearing the name of a fellow insurance agent instead of his own. Mr. Clatfelter received the commission on the sale instead of it going to his fellow agent and said commission was higher than if he had used his own name since the insurer's contract with the other agent provided a higher override on sales.



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On August 30, 2011, Mr. Clatfelter filed a Demand for Hearing to contest the OIC's Order. The basis of Mr. Clatfelter's appeal is that his use of the rubber signature stamp bearing the name of a fellow insurance agent on the insurance applications was in accordance with an understanding he had with that agent and used because the other agent could not be present for the applications taken. Further, Mr. Clatfelter asserts he legitimately received the commissions because he was entitled to them under a contractual assignment of commissions made by the other agent in favor of Mr. Clatfelter as assignee.

On October 17, 2011, the undersigned held a first prehearing conference in this matter, which included all parties. The OIC was represented by Marcia Stickler, Esq., Staff Attorney in the OIC's Legal Affairs Division. Mr. Clatfelter appeared pro se. The undersigned reviewed procedure to be expected at hearing and answered all questions and concerns of the parties. The parties agreed that this hearing should be held on October 31, 2011.

Accordingly, **YOU ARE HEREBY NOTIFIED that a hearing will be held commencing on Monday, October 31, 2011, at 1:30 p.m. Pacific Standard Time.** The purpose of this hearing, which will include all parties, is to consider whether the Order To Not Renew License issued against Rick L. Clatfelter should be upheld, or set aside, or modified in some way such as imposing conditions on any insurance producer's license issued to him and/or a monetary penalty in lieu of nonrenewal.

Pursuant to WAC 10-08-180, based upon the agreement of the parties and the determination of the undersigned that it will not prejudice a party and that each party will have the opportunity to participate effectively in the proceeding, the hearing will be held by teleconference. The OIC will appear by and through Marcia Stickler, Staff Attorney in the Legal Affairs Division. Ms. Stickler's address is Office of the Insurance Commissioner, Legal Affairs Division, P.O. Box 40255, Olympia, WA 98504-0255 and her telephone number is (360) 725-7048. Mr. Clatfelter will appear pro se, although he is advised that he may retain an attorney to represent him at any time. His address is 24609 S. 211th Place, Queen Creek, AZ 85142 and his telephone number is (480) 414-9117

Patricia D. Petersen, Esq., Presiding Officer, who serves as Chief Hearing Officer for the Office of the Insurance Commissioner, has been designated to hear and determine this matter. Her address is Office of Insurance Commissioner, P.O. Box 40255, Olympia, Washington 98504-0255. Her telephone number is (360) 725-7105. All interested individuals and entities who have questions or concerns concerning this proceeding should direct them to her paralegal, Kelly Cairns, at the same address. Ms. Cairns' telephone number is (360) 725-7002.

The hearing will be held under the authority granted by the Insurance Commissioner under Chapter 48.04 RCW. The basic facts relied upon are those set forth above, which are more specifically included in the OIC's above referenced Order To Not Renew License and in Mr. Clatfelter's above-referenced Demand for Hearing.

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The hearing will be governed by the Administrative Procedure Act, Chapter 34.05 RCW, and the model rules of procedure contained in Chapter 10-08 WAC. All parties may be represented at the hearing. They may examine witnesses and fully respond and present evidence and argument on all issues involved.

As required by RCW 34.05.434(2)(i), you are advised that a party who fails to attend or participate in any stage of the proceeding may be held in default in accordance with Chapter 34.05 RCW.

Pursuant to WAC 10-08-040(2) and in accordance with ch. 2.42 RCW, if a limited English speaking or hearing impaired or speech impaired party or witness needs an interpreter, a qualified interpreter will be appointed. There will be no cost to the party or witness therefore, except as may be provided by ch. 2.42 RCW. A Request for Interpreter form is attached to the original of this Notice, with instructions thereon.

This Notice is provided pursuant to RCW 48.04.010 and RCW 34.05.434.

Based upon the above activity,

IT IS HEREBY ORDERED that the adjudicative proceeding in this matter shall commence on October 31, 2011, at 1:30 p.m. Pacific Standard Time via telephone in the Office of the Insurance Commissioner, 5000 Capitol Blvd., Tumwater, WA.

ENTERED AT TUMWATER, WASHINGTON, this 24th day of October, 2011, pursuant to Title 48 RCW and specifically RCW 48.04 and Title 34 RCW and regulations applicable thereto.

 KAC

PATRICIA D. PETERSEN
Presiding Officer

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 24th day of October, 2011.


KELLY A. CAIRNS

HEARINGS UNIT
Fax: (360) 664-2782

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

Hearings Unit
Paralegal
(360) 725-7002
Hearings@oic.wa.gov

To request an interpreter, complete and mail this form to:

Chief Hearing Officer
Office of Insurance Commissioner
P.O. Box 40255
Olympia, WA 98504-0255

REQUEST FOR INTERPRETER

I am a party or witness in Matter No. 10-0236, before the Insurance Commissioner. I NEED AN INTERPRETER and request that one be furnished.

Please check the statements that apply to you:

I am a non-English-speaking person. I cannot readily speak or understand the English language. My primary language is _____ (insert your primary language). I need an interpreter who can translate to and from the primary language and English.

I am unable to readily understand or communicate the spoken English language because:

- I am deaf.
- I have an impairment of hearing.
- I have an impairment of speech.

[Please state below or on the reverse side any details which would assist the Commissioner or Presiding Officer in arranging for a suitable interpreter or in providing appropriate mechanical or electronic amplification, viewing, or communication equipment.]

Date: _____

Signed: _____

Please print or type your name: _____

Address: _____

Telephone: _____