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OFFICE OF  
INSURANCE COMMISSIONER  
HEARINGS UNIT

Fax: (360) 664-2782

2011 SEP 26 A 11:25

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

Hearings Unit, DIC  
Kelly C. O'Connell  
Chief Hearing Officer  
Paralegal  
(360) 725-7002  
KellyC@oic.wa.gov

BEFORE THE STATE OF WASHINGTON  
OFFICE OF INSURANCE COMMISSIONER

|                        |   |                                  |
|------------------------|---|----------------------------------|
| In the Matter of       | ) | <b>Docket No. 11-0187</b>        |
|                        | ) |                                  |
| <b>Francis Suarez,</b> | ) | <b>AMENDED NOTICE OF HEARING</b> |
|                        | ) |                                  |
| Licensee.              | ) |                                  |
| _____                  | ) |                                  |

**TO:** Francis Suarez  
14343 38<sup>th</sup> Avenue NE  
Seattle, WA 98125

James J. Jameson, P.S.  
Attorney-at-Law  
3409 McDougall Avenue, Suite 201  
Everett, WA 98201

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

**The sole purpose of this Amended Notice of Hearing is to correct a typographical error regarding the date for hearing, from Tuesday, November 7, 2011 at 10:00 a.m., incorrectly stated in the original Notice of Hearing, to the correct Monday, November 7, 2011 at 10:30 a.m. hearing date and time, as indicated by strikethroughs and underlines hereinbelow. During prehearing conference the parties agreed the hearing should commence on Monday, November 7, 2011 at 10:30 a.m., the undersigned scheduled the hearing to commence on that date, and the original Notice of Hearing was intended to have reflected that date. The balance of the original Notice of Hearing remains as written.**



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On August 15, 2011, the Insurance Commissioner (OIC) issued an Order Revoking License No. 11-0187, revoking the Washington resident insurance producer's license of Francis Suarez (Licensee). The OIC's Order was based upon the OIC's assertions, briefly, that the Licensee (1) improperly disposed of documents containing personal health information of his clients and other customers of Allstate Insurance, in violation of WAC 284-04-505; (2) violated WAC 284-04-500 by failing to develop and implement written policies, standards and procedures for the management of health information to prevent disclosure of nonpublic information; and (3) personally paid the first year's premium on at least 40 flood insurance policies sold, in violation of RCW 48.30.140(1) which prohibits an insurance producer from offering any rebate, discount, abatement or reduction of premium as an inducement to insurance.

On August 29, 2011, the Licensee, by and through his attorney James J. Jameson, Esq., filed a Demand for Hearing to contest the OIC's Order. The bases of the Licensee's appeal is that (1) prior to the OIC's recent Order, he had been working as a licensed insurance agent for over twenty years without suspension or revocation of his license; (2) he did make reasonable efforts to ensure personal information was stored properly and he did not personally cause protected personal information to be mishandled or improperly disposed of; and (3) he did not personally pay first year premiums on flood insurance as alleged in the Order, and when he discovered that one of his agents had made a mistake in this regard he actually took action to correct the situation. The Licensee advises that he has written evidence to support his positions.

On September 19, 2011, the undersigned held a first prehearing conference in this matter, which included all parties. The OIC was represented by Robin Aronson, Esq., Staff Attorney in the OIC's Legal Affairs Division. The Licensee was represented by James J. Jameson, Esq. of Everett, Washington. The undersigned reviewed procedure to be expected at hearing and answered all questions and concerns of the parties. Of note, the undersigned advised the parties that, pursuant to RCW 48.04.020(1), the OIC's Order Revoking License against the Licensee was automatically stayed prior to its taking effect and will remain stayed until the Final Order after hearing is entered. Finally, the parties agreed that this hearing should be held on November 7, 2011.

Accordingly, **YOU ARE HEREBY NOTIFIED that a hearing will be held commencing on Monday Tuesday, November 7, 2011, at 10:30 10:00 a.m. Pacific Standard Time.** The purpose of this hearing, which will include all parties, is to consider whether the Order of Revocation, revoking the insurance producer's license of Francis Suarez, should be upheld, or set aside, or modified in some way such as imposing a suspension of his insurance producer's license and/or a monetary penalty in lieu of revocation.

The OIC will appear by and through Robin Aronson, Staff Attorney in her Legal Affairs Division. Ms. Aronson'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) 725-7181. The Licensee will appear and will be represented by James J. Jameson, Esq. Mr. Jameson's address is 3409 McDougall Avenue, Suite 201, Everett, WA 98201 and his telephone number is (425) 258-8444.

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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 Revoking License and in Mr. Suarez's above-referenced Demand for Hearing.

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.

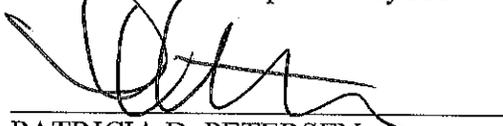
Pursuant to WAC 10-08-040(2) and in accordance with ch. 2.42 RCW, if a limited English speaking or hearing impaired or speech impaired party or witness needs an interpreter, a qualified interpreter will be appointed. There will be no cost to the party or witness therefore, except as may be provided by 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 November 7, 2011, at 10:30 ~~10:00~~ a.m. Pacific Standard Time in the Office of the Insurance Commissioner, 5000 Capitol Blvd., Tumwater, WA.

ENTERED AT TUMWATER, WASHINGTON, this 26<sup>th</sup> day of September, 2011, pursuant to Title ~~48~~ RCW and specifically RCW 48.04 and Title 34 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: Francis Suarez, James. J. Jameson, Esq., Mike Kreidler, Michael G. Watson, John F. Hamje, Esq., Robin Aronson, Esq., and Carol Sureau, Esq.,

DATED this 26<sup>th</sup> day of September, 2011.

  
KELLY A. CAIRNS

**HEARINGS UNIT**  
Fax: (360) 664-2782

Patricia D. Petersen  
Chief Hearing Officer  
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Hearings Unit  
Paralegal  
(360) 725-7002  
[Hearings@oic.wa.gov](mailto: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

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**REQUEST FOR INTERPRETER**

I am a party or witness in Matter No. 11-0187, 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: \_\_\_\_\_