

STATE OF WASHINGTON

MIKE KREIDLER
STATE INSURANCE COMMISSIONER

Phone: (360) 725-7000



FILED

OFFICE OF
INSURANCE COMMISSIONER

2012 FEB 29 P 12:27

HEARINGS UNIT
Fax: (360) 664-2782

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

Hearings Unit, OIC
Patricia D. Peterson
Chief Hearing Officer
Kelly A. Cairns
Paralegal
(360) 725-7002
KellyC@oic.wa.gov

BEFORE THE STATE OF WASHINGTON
OFFICE OF INSURANCE COMMISSIONER

In the Matter of

John D. Lizana,

Licensee.

) **Docket No. 11-0284**

) **NOTICE OF HEARING**

TO: J. Craig LeJeune
Attorney-at-Law
P.O. Box 86464
Baton Rouge, LA 70879

COPY TO: Mike Kreidler, Insurance Commissioner
Michael G. Watson, Chief Deputy Insurance Commissioner
John F. Hamje, Deputy Commissioner, 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 December 7, 2011, the Insurance Commissioner (OIC) sent to John D. Lizana (Licensee) a proposed Consent Order Levying a Fine, No. 11-0284. Said Consent Order proposed the imposition of a fine in the amount of \$250.00 against the Licensee for his failure to accurately answer the question on the OIC nonresident producer license application form regarding prior administrative actions. Briefly, OIC asserts the Licensee falsely answered "no" when in fact he had been involved in a minor proceeding resulting in a settlement with the State of Alabama concerning a nonresident producer license renewal form submitted in that State. In response to the proposed Consent Order, the Licensee, by and through his attorney J. Craig LeJeune, Esq., sent a Demand for Hearing to the OIC by email letter dated January 26, 2012. The Licensee



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requests a hearing in order to explain the circumstances of the alleged violation and requests a dismissal of the proposed fine.

On February 13, 2012, 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. The Licensee appeared by and through his attorney, J. Craig LeJeune, Esq. The undersigned reviewed procedure to be expected at hearing and answered all questions and concerns of the parties. Finally, the parties agreed that this hearing should be held on March 23, 2012, and continuing on each successive day until terminated.

Accordingly, **YOU ARE HEREBY NOTIFIED that a hearing will be held commencing on Friday, March 23, 2012, at 1:00 p.m. Pacific Standard Time.** The Licensee requested that the hearing be held by telephone, the OIC advised that it did not object to that request, and the undersigned having determined 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 telephone as permitted under RCW 34.05.449(3) and WAC 10-08-180(1). The purpose of this hearing, which will include all parties, is to consider whether the Licensee has violated the insurance code warranting the imposition of a civil fine against him, or some other form of disciplinary action such as suspension or revocation of his license.

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. The Licensee will appear and be represented by his attorney, J. Craig LeJeune, Esq. Mr. LeJeune's address is Post Office Box 86464, Baton Rouge, Louisiana 70879, and his telephone number is (225) 677-5079.

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 A. 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 to be relied upon are those set forth above, which are more specifically included in the OIC's above-referenced proposed Consent Order Levying a Fine and in Mr. Lizana'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.

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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 Friday, March 23, 2012 at 1:00 p.m. Pacific Standard Time, by telephone in the Office of the Insurance Commissioner, 5000 Capitol Blvd., Tumwater, WA, and continuing on each successive day until terminated.

IT IS FURTHER ORDERED that, pursuant to WAC 10-08-180(2), written evidence shall be filed with the undersigned prior to the date of the hearing. Sworn testimony of the Licensee and others, if called, may be presented over the telephone. Any interested individual or entity may participate in this proceeding, also by telephone, by advising Kelly Cairns, Paralegal to the undersigned, at the above address and telephone number, at any time prior to the date of the hearing and will be included in the hearing telephonically.

ENTERED AT TUMWATER, WASHINGTON, this 29th day of February, 2012, pursuant to Title 48 RCW and specifically RCW 48.04 and Title 34 RCW and regulations applicable thereto.



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: J. Craig LeJeune, Esq., Mike Kreidler, Michael G. Watson, John F. Hamje, Esq., Marcia Stickler, Esq., and Carol Sureau, Esq.,

DATED this 29th day of February, 2012.



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. 11-0284, 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: _____