



FILED

OFFICE OF
INSURANCE COMMISSIONER

2012 JAN 24 P 12:35

HEARINGS UNIT
Fax: (360) 664-2782

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

Hearing Officer
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)
)
Terry A. Foster,)
)
)
Applicant.)
)
)
)
)
)

Docket No. 11-0300

NOTICE OF HEARING

TO: Terry A. Foster
P.O. Box 73021
Puyallup, WA 98373

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
Andrea Philhower, 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 5, 2011, the Insurance Commissioner (OIC) advised Terry A. Foster (the "Applicant") that it had decided to deny her application for a Washington resident insurance producer's license. The OIC bases its decision on some background information received in the course of reviewing the Applicant's application, citing RCW 48.17.530(1)(f) and (h) which authorize the OIC to refuse to issue a license upon certain conditions specified in those statutes. The OIC's denial also references RCW 9.35.020. The OIC has not specified the specific activities which it alleges Ms. Foster has conducted which fall under those statutes.

By letter dated December 6, 2011, the Applicant demanded an administrative hearing to contest the OIC's decision. The Applicant would like the opportunity to present the circumstances



NOTICE OF HEARING

11-0300

Page - 2

involved relative to the background information she provided on her application and asks that, based upon the facts and circumstances she intends to present, the OIC's denial of her application be set aside so she can receive her producer's license and continue her present employment with an insurance agency.

On January 12, 2012, the undersigned held a first prehearing conference in this matter, which included all parties. The OIC was represented by Andrea Philhower, Esq., Staff Attorney in the OIC's Legal Affairs Division. Ms. Foster appeared pro se. The undersigned reviewed procedure to be expected at hearing and answered all questions and concerns of the parties. Of significance, the undersigned determined that the Applicant should not be denied a hearing to appeal the OIC's denial of her application based upon fact that she filed her Demand for Hearing 91 days after the date of the OIC's denial. This decision was based upon emails from and to the OIC set forth with the Applicant's Demand for Hearing, which emails made it clear that the Applicant and the OIC's agent licensing unit staff were conducting continuing negotiations in the nature of the OIC's reviewing its decision to deny her application up until the OIC's licensing unit advised her to file a Demand for Hearing, ending those negotiations. The Applicant filed her Demand for Hearing the next day, which was the 91st day after the OIC had denied her application. Finally, the parties have agreed that this hearing should be held on January 31, 2012.

Accordingly, **YOU ARE HEREBY NOTIFIED that a hearing will be held commencing on Tuesday, January 31, 2012, at 9:00 a.m. Pacific Standard Time.** The purpose of this hearing, which will include all parties, is to consider the Applicant's challenge to the OIC's decision to deny her application for a Washington resident insurance producer's license on the bases stated above.

The OIC will appear by and through Andrea Philhower, Staff Attorney in the Legal Affairs Division. Ms. Philhower'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) 725-7063. Ms. Foster will appear pro se, although she is advised that she may retain an attorney to represent her at any time. Her address is P.O. Box 73021, Puyallup, WA 98373 and her telephone number is (253) 435-1667.

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 relied upon are those set forth above.

NOTICE OF HEARING

11-0300

Page - 3

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.

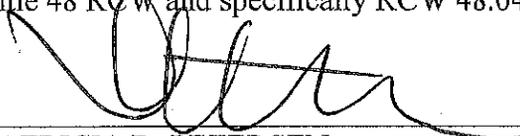
Pursuant to WAC 10-08-040(2) and in accordance with ch. 2.42 RCW, if a limited English speaking or hearing impaired or speech impaired party or witness needs an interpreter, a qualified interpreter will be appointed. There will be no cost to the party or witness therefore, except as may be provided by 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 January 31, 2012, at 9:00 a.m. Pacific Standard Time in the Office of the Insurance Commissioner, 5000 Capitol Blvd., Tumwater, WA.

ENTERED AT TUMWATER, WASHINGTON, this 24th day of January, 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: Terry A. Foster, Mike Kreidler, Michael G. Watson, John F. Hamje, Esq., Jeff Baughman, Andrea Philhower, Esq., and Carol Sureau, Esq.,

DATED this 24th day of January, 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. 11-0300, 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: _____