

STATE OF WASHINGTON

MIKE KREIDLER  
STATE INSURANCE COMMISSIONER

Phone: (360) 725-7000



OFFICE OF  
INSURANCE COMMISSIONER

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HEARINGS UNIT

Fax: (360) 664-2782

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

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

BEFORE THE STATE OF WASHINGTON  
OFFICE OF INSURANCE COMMISSIONER

In the Matter of:	)	
	)	No. 11-0300
TERRY A. FOSTER,	)	
	)	ORDER TERMINATING
Applicant.	)	PROCEEDINGS

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

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

On December 6, 2011, the Insurance Commissioner ("Commissioner") received a letter by electronic mail from Terry A. Foster, requesting a hearing to contest the Commissioner's September 6, 2011, denial of her application for a Washington insurance producer's license. On January 12, 2012, the undersigned held a first prehearing conference at which Ms. Foster appeared pro se and the Commissioner appeared by and through Andrea L. Philhower, Esq., Staff Attorney in the Commissioner's Legal Affairs Division. The parties agreed that the hearing herein should commence on January 31,



ORDER TERMINATING PROCEEDINGS

No. 11-0300

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2012, at 9:00 a.m. Accordingly, on January 24, 2012, the undersigned entered a Notice of Hearing reflecting the above information. On January 26, 2012, Ms. Foster filed an email letter with the Hearings Unit stating that she was withdrawing her request for hearing. Thereafter on January 30, the undersigned held a second prehearing conference which included all parties, to ensure that Ms. Foster was fully informed of the advantages and disadvantages of withdrawing her request for hearing. Most significantly, Ms. Foster was advised by Ms. Philhower, attorney representing the Commissioner, that should she choose now to withdraw her request for hearing she would be giving up her right to appeal this denial in the future, but she had the right to file a new application for a Washington insurance producer's license at any time in the future and she would then have the right to appeal the Commissioner's denial of that future application if it were denied. Ms. Foster stated she would consider her decision until 4 p.m. that day, and by 4 p.m. that day she filed a second email letter with the Hearings Unit indicating again that she was withdrawing her request for hearing to appeal the Commissioner's September 6, 2011, denial of her application. Ms. Foster's statement withdrawing her request for hearing is attached hereto and by this reference made a part hereof.

Based upon the above activity,

**IT IS HEREBY ORDERED** that this proceeding, Docket No. 11-0300, is hereby dismissed with prejudice.

Entered this 31<sup>st</sup> day of January, 2012, at Tumwater, Washington, pursuant to Title 48 RCW, Title 34 RCW and regulations pursuant thereto.



PATRICIA D. PETERSEN

Presiding Officer

Chief Hearing 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, Mike Watson, John F. Hamje, Carol Sureau, and Andrea L. Philhower.

DATED this 31<sup>st</sup> day of January, 2012

  
KELLY A. CAIRNS

**Cairns, Kelly (OIC)**

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**From:** Terry Foster [horseplay67@hotmail.com]  
**Sent:** Thursday, January 26, 2012 3:22 PM  
**To:** Cairns, Kelly (OIC)  
**Subject:** RE: Foster Hearing No. 11-0300

Good afternoon Kelly,

As I assumed, Andrea Phillhower plans to put me through the ringer with the people she is bringing to the hearing. I do not wish to go through another conviction process. One is enough in my lifetime. Therefore I feel it is in the best interest of all involved that I withdraw my request for a hearing at this time. I will move forward with my life without an Insurance License, and maybe sometime in the future I can reapply and not have to go through this current process.

Please accept my sincere apology for wasting yours and Judge Peterson's time. My conversation with you the other day helped me come to this conclusion.

Sincerely,

Terry Foster

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Subject: Foster Hearing No. 11-0300  
Date: Mon, 23 Jan 2012 14:19:01 -0800  
From: [KellyC@oic.wa.gov](mailto:KellyC@oic.wa.gov)  
To: [horseplay67@hotmail.com](mailto:horseplay67@hotmail.com); [AndreaP@OIC.WA.GOV](mailto:AndreaP@OIC.WA.GOV)

Ms. Foster and Ms. Philhower,

We will not be having the hearing tomorrow, Tuesday, January 24. It is my understanding that you are working on a settlement and the request for a hearing may be withdrawn. If we do not receive word of that by tomorrow, we will issue a Notice of Hearing scheduling the hearing for Tuesday, January 31, 2012 at 9 am (which does not preclude you from settling/withdrawing the request later). Let me know if you have any concerns or questions about this.

Thanks,

*Kelly A. Cairns*  
Paralegal, OIC Hearings Unit  
360-725-7002  
[KellyC@oic.wa.gov](mailto:KellyC@oic.wa.gov)

**Cairns, Kelly (OIC)**

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**From:** Terry Foster [horseplay67@gmail.com]  
**Sent:** Monday, January 30, 2012 3:55 PM  
**To:** Cairns, Kelly (OIC)  
**Cc:** Philhower, Andrea (OIC)  
**Subject:** Re: Hearing

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Ms. Cairns, and Ms. Philhower,

My decision stands to withdraw my request for a hearing.

Thank you,

Terry Foster

On Mon, Jan 30, 2012 at 12:46 PM, Cairns, Kelly (OIC) <[KellyC@oic.wa.gov](mailto:KellyC@oic.wa.gov)> wrote:

Ms. Foster,

I just spoke with Judge Petersen, and she said you would be notifying me of your decision as to whether or not you want to proceed with tomorrow's scheduled hearing by 4 pm today. Since I am a part-time employee, I may not be in to receive an email with your decision, so please: 1) email your decision to me so we have it in writing (cc: Andrea Philhower), and 2) call me at 360-970-5606 (my cell phone) to let me know what your decision is so I can prepare for the next day accordingly.

Thank you,

Kelly

Hearing Unit OIC  
Patricia D. Petersen  
Chief Hearing Officer