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OFFICE OF
INSURANCE COMMISSIONER
HEARINGS UNIT
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2011 DEC 14 P 12:30

Hearings Unit, OIC
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Chief Hearing Officer

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NOTICE OF RECEIPT OF DEMAND FOR HEARING

To: Terry A. Foster

From: Patricia D. Petersen, Chief Hearing Officer 

Date: December 14, 2011

Hearing: Request for Hearing in the Matter of Terry A. Foster, No. 11-0300

This is to advise you that on December 6, 2011, the Hearings Unit received and filed your Demand for Hearing.

Unless a date is entered at the end of this Notice, in approximately 5 working days, you will be contacted by the Hearings Unit to schedule a date for the prehearing conference in this matter. This prehearing conference, which will be held by telephone, will include: 1) you, and/or your representative if you wish; 2) the individual who will be representing the Insurance Commissioner in this matter; and 3) Patricia D. Petersen, the Chief Hearing Officer. The purpose of the prehearing conference is to discuss basic procedure to be followed before, during and after the hearing, as well as any issues or concerns which have arisen or which you believe will arise in your preparation for the hearing. **Please note that the first issue to be discussed at prehearing conference is whether your Demand for Hearing should be honored, as it was filed 91 days after the OIC's decision was mailed. Specifically, the OIC's decision to deny your insurance producer license application was mailed (emailed) to you on September 6, 2011 and included the advice that should you not file a Demand for Hearing within 90 days after that date of mailing then your Demand will be invalid and the OIC's decision will stand. This is in accordance with statute, RCW 48.04.010(3). Because you did not file your Demand until December 6, 2011, which is 91 days after the OIC's decision was mailed to you, it is outside the required statutory period. At prehearing conference, please be prepared to address this matter.**

For your information, we have included a brief outline of hearing procedure below.

If you have any questions concerning this Notice or the prehearing conference to be scheduled, please contact Kelly Cairns, the paralegal in the Hearings Unit, at the above telephone number or address.

HEARING PROCEDURES - OFFICE OF THE INSURANCE COMMISSIONER

The following is a brief summary of hearing procedure. Following the prehearing conference referred to above, a Notice of Hearing will be entered advising you of the date scheduled for the hearing. The specific rules which govern the hearing procedure, which include many more details, can be found primarily at Chapter 34.05 RCW (the Administrative Procedure Act) and Chapter 10-08 WAC. Your hearing will be presided over by the Chief Hearing Officer. It will be conducted in a fairly formal manner; however, pursuant to the mandate of the Administrative Procedure Act it will be as flexible as possible to accommodate the needs of the parties and any witnesses which may appear. You will be allowed to submit documents to support your version of the facts. Testimony may also be presented in the form of live witnesses, including the parties themselves; also, if requested, witnesses are allowed to testify over the telephone at the discretion of the Chief Hearing Officer.

The hearing is normally conducted in three parts. First, each party presenting an opening statement summarizing what they intend to prove. Second, each party presents its case-in-chief, which includes presentation of documents and testimony, subject to cross examination by the opposing party. Third, the hearing concludes with each party presenting closing arguments summarizing what they believe they have proven factually and how those facts apply to the subject statutes and/or regulations.

The Chief Hearing Officer is an individual who has not had any involvement with this case. The Chief Hearing Officer is responsible for all stages of this administrative proceeding before, during and after the hearing, and will conduct the case and make the final decision without any communication, input or review by the Insurance Commissioner or staff or any other individual who has knowledge of the case. The Chief Hearing Officer's final decision is appealable only to the Superior Court and not to another administrative official or tribunal.

Please note that, pursuant to General Rule 24, Washington Rules of Court, attorneys representing individuals or entities in Washington State adjudicative proceedings such as this, need not be licensed as an attorney in Washington State.