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May 24, 2012

Hearing Officer, OIC
Patricia D. Petersen
Chief Hearing Officer

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Chief Hearing Officer
Office of the Insurance Commissioner
P O Box 40255
Olympia WA 98504-0255

Re: Bochsler (Order 12-0023)
Notice of Issue to be Discussed at Prehearing Conference on 5/25/12

Dear Judge Petersen:

The Office of the Insurance Commissioner ("OIC") would like the opportunity to discuss the following issue at the prehearing conference on May 25, 2012. This is an issue which the OIC and Mr. Bochsler have been involved in since the Order of Revocation was issued and may affect the setting of the date for hearing.

Mr. Bochsler was terminated for cause by Allstate. In so doing, Allstate's Corporate Security department prepared a Summary of Evidence report which outlined the reasons for the termination. Allstate provided a copy of the report to the OIC.

Following the Commissioner's issuance of the Order of Revocation, Mr. Bochsler made a Public Records Disclosure Request for the entire OIC investigation file which included the Allstate report. Allstate, through their attorney, effectively precluded the OIC from providing Mr. Bochsler with the report (as well as the OIC's own investigation records) under RCW 48.17.595 (6) which provides that documents so provided by an insurer as a part of a termination for cause are confidential and not to be disclosed through a public records request. The OIC complied with Allstate's request in accordance with the law.

Mr. Bochsler has now made a discovery request for the OIC file. The OIC intends to release its own file contents to the extent required by law. Allstate has again come forward and has indicated that they consider their summary of evidence/investigation report to be work product, and otherwise privileged, confidential, and containing trade secrets. RCW 48.17.595(6)(a) allows the Commissioner to use the documents in his possession in furtherance of any regulatory action. The Commissioner intends to use the documents at the hearing in this matter. To that end, Mr. Bochsler should be entitled to a copy. Allstate has indicated that they will file for a protective order.



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The OIC believes in full disclosure within the confines of the law. The undersigned proposes to file with you as the Hearing Officer either a Motion or Notice of Intent to Disclose and give Allstate the opportunity to respond. The undersigned is looking for guidance on this issue as the documents are important to the case, and are permitted to be used by the Commissioner under RCW 48.17.595(6)(a). The documents therefore would need to be shared prior to the hearing with Mr. Bochsler.

The undersigned looks forward to discussing this issue further at the prehearing conference.

Sincerely,



Robin E. Aronson
Staff Attorney
Legal Affairs Division

cc: Nathan Bochsler (sent via e-mail)