



FILED

OFFICE OF
INSURANCE COMMISSIONER

2012 MAY 29 A 10:26

Heather E. ... DIC
Patricia D. Petersen
Chief Hearing Officer

In Re the Matter of

Nathan J. Bochsler,

Licensee.

NO. 12-0023

NOTICE OF INTENT TO DISCLOSE

TO: Allstate Insurance Company, through its attorney of record:

Timothy J. Parker
Carney Badley Spellman
701 5th Ave Ste 3600
Seattle, WA 98104-7010

The Insurance Commissioner of the State of Washington hereby issues this Notice of Intent to Disclose: Summary of Evidence report and Consolidated Insurance Profile (CIP) reports prepared by Allstate. Said documents will be disclosed to licensee Nathan Bochsler on June 14, 2012 unless Allstate files a motion for a protective order with the Chief Hearing Officer by that date.

Pursuant to the Insurance Code, Title 48 RCW, the Insurance Commissioner is authorized to regulate the business of insurance and enforce the insurance laws of Washington State in order to protect the public interest. On or about January 31, 2012 the Insurance Commissioner issued an Order of Revocation against licensee Nathan J. Bochsler. Mr. Bochsler has requested a hearing and said request has been granted by Chief Hearing Officer Patricia Petersen. Mr. Bochsler has made a discovery request for a copy of the Insurance Commissioner's investigation file. The Chief Hearing Officer has also required that the parties exchange any documents they intend to submit for consideration at hearing.

Allstate terminated Mr. Bochsler's appointment for cause. On July 11, 2011 Allstate provided the commissioner with a Summary of Evidence report dated December 30, 2010 which was used in support of its termination decision. The report referenced several Consolidated Insurance Profile (CIP) reports which were later provided to the commissioner at his request.

Allstate has put the commissioner on notice that it objects to the release of the documents. Previously Allstate objected to the release of the documents following a public records disclosure request by the licensee on the basis that the documents contain confidential, proprietary and trade secret information of Allstate, and further were subject to protection under RCW 48.17.595. The commissioner did not disclose the documents pursuant to RCW 48.17.595.

The Commissioner believes that the documents must now be and should be provided to the licensee unless Allstate files for and obtains a protective order from the Chief Hearing Officer on this case. The presiding officer has such authority under RCW 34.05.446.

RCW 48.17.595(6) (a) allows the commissioner to use the documents in furtherance of a regulatory or legal action brought as part of the commissioner's duties. The statute so provides in pertinent part:

RCW 48.17.595

Termination of business relationship with an insurance producer or title insurance agent — Notice — Confidentiality of information — Immunity from civil liability.

(6) Information provided under this section is confidential.

(a) Any documents, materials, or other information in the control or possession of the commissioner that is furnished by an insurer, insurance producer, title insurance agent, or an employee or agent thereof acting on behalf of the insurer, insurance producer, or title insurance agent, or obtained by the commissioner in an investigation pursuant to this section shall be confidential by law and privileged, shall not be subject to disclosure under chapter 42.56 RCW, shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action. However, the commissioner is authorized to use the documents, materials, or other information in the furtherance of any regulatory or legal action brought as a part of the commissioner's duties. (Emphasis added.)

The hearing at issue is a regulatory action brought as part of the commissioner's duties. As such, the documents can be used at the hearing and thus must be shared with the licensee.

Dated this 29th day of May, 2012.

MIKE KREIDLER
Insurance Commissioner

By: Robin E. Aronson
Robin E. Aronson
Staff Attorney
Legal Affairs Division

CERTIFICATE OF SERVICE

The undersigned certifies under the penalty of perjury under the laws of the State of Washington that I am now and at all times herein mentioned, a citizen of the United States, a resident of the State of Washington, over the age of eighteen years, not a party to or interested in the above-entitled action, and competent to be a witness herein.

On the date given below I caused to be served the foregoing NOTICE OF INTENT TO DISCLOSE on the following individuals in the manner(s) indicated:

Timothy J. Parker
Attorney at Law
Carney Badley Spellman
701 5th Ave Ste 3600
Seattle, WA 98104-7010

- Via U.S. Mail
- Via Facsimile
- Via Legal Messenger
- Via E-mail

Nathan J. Bochsler (copy sent via e-mail)

SIGNED this 29th day of May, 2012, at Tumwater, Washington.



Robin E. Aronson