



FILED

OFFICE OF  
INSURANCE COMMISSIONER

2012 MAY 11 P 12:00

HEARINGS UNIT  
Fax: (360) 664-2782

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

Heather L. ... OIC  
Patricia D. Petersen  
Kelly A. Cairns, Officer  
Paralegal  
(360) 725-7002  
KellyC@oic.wa.gov

BEFORE THE STATE OF WASHINGTON  
OFFICE OF INSURANCE COMMISSIONER

In the Matter of )  
 )  
**AUTURO ROBERTS,** ) **Docket No. 12-0028**  
 ) **NOTICE OF HEARING**  
 )  
Nonresident Licensee. )  
\_\_\_\_\_ )

**TO:** Auturo Roberts  
13830 Castlegate Drive  
Frisco, TX 75035

**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  
Marcia Stickler, 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 March 2, 2012, the Insurance Commissioner (OIC) issued a Notice of Hearing to Auturo Roberts ("Licensee"). Said Notice of Hearing proposes that the OIC take disciplinary action against the Licensee for violations of RCW 48.17.530(1)(a), alleging that the Licensee provided incorrect, misleading, incomplete, or materially untrue information on his application for a nonresident independent adjuster's license in this state. Specifically, as stated in the Notice of Hearing, the OIC alleges that when asked the question regarding criminal history the Licensee falsely answered "no" because the results of a law enforcement criminal background check received by the OIC several weeks after the license was issued indicated the Licensee had a criminal conviction on his record from twenty years prior. Although the license application was filled out and submitted by another person at Licensee's place of employment, additional

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documents filed by the OIC assert that the Licensee failed to disclose the past criminal conviction to that person, and additionally did not disclose a more recent charge against him for driving while intoxicated.

The Licensee has not responded to the allegations set forth in the OIC's above-referenced March 2, 2012 Notice of Hearing, nor has Licensee communicated with the Hearings Unit regarding this matter. On March 5, the undersigned mailed a Notice of Receipt of OIC Notice of Hearing to the Licensee at his address of record. In an attempt to contact the Licensee to schedule a prehearing conference, the undersigned's paralegal left various telephone messages and sent emails to Licensee regarding this matter on March 14, March 24 and March 29. On April 19, the paralegal sent a letter to Mr. Roberts informing him that a prehearing conference had been scheduled for May 1, 2012. The letter explained the procedures and purpose of the prehearing teleconference; advised that the Licensee need not prepare for this prehearing teleconference as its purpose was simply to provide information about the hearing process and answer any questions he may have; gave instructions for calling in to and participating in the prehearing conference; advised that an interpreter would be provided free of charge on request to accommodate any disability or language challenges; and advised the Licensee that failure to participate may result in default.

As properly scheduled, on May 1, 2012, the undersigned held the aforementioned first prehearing teleconference in this matter. The OIC was represented by Marcia Stickler, Esq., Staff Attorney in the OIC's Legal Affairs Division. The Licensee failed to appear at the prehearing teleconference. The Licensee was given fifteen additional minutes to call in to the teleconference, and within that time the undersigned's paralegal twice attempted to call the Licensee at the telephone number on file to notify and remind him of the prehearing teleconference, and she also left a detailed voice message regarding the same. The undersigned determined it was appropriate to conduct the prehearing conference without Licensee's participation, as the Licensee was informed would be the case in the event he failed to appear. During the teleconference the undersigned reviewed procedure to be expected at hearing and it was then agreed that this hearing should be held on May 21, 2012.

Accordingly, **YOU ARE HEREBY NOTIFIED that a hearing will be held commencing on Monday, May 21, 2012, at 10:00 a.m. Pacific Standard Time.** The purpose of this hearing, which will include all parties, is to consider whether disciplinary action should be taken against the Licensee such as revocation or suspension of his nonresident independent adjuster's license or the imposition of a monetary penalty.

The OIC will appear by and through Marcia Stickler, Staff Attorney in the Legal Affairs Division. Ms. Stickler'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) 725-7048. The Licensee may appear pro se, although he also is advised that he may retain an attorney to represent him at any time. His address is 13830 Castlegate Drive, Frisco, Texas 75035 and his telephone number is (214) 471-3262.

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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 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, which are more specifically included in the OIC's above referenced Notice of Hearing.

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 May 21, 2012, at 10:00 a.m. Pacific Standard Time in the Office of the Insurance Commissioner, 5000 Capitol Blvd., Tumwater, WA.

ENTERED AT TUMWATER, WASHINGTON, this 11<sup>th</sup> day of May, 2012, pursuant to Title 48 RCW and specifically RCW 48.04 and Title 34 RCW and regulations applicable thereto.

  
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PATRICIA D. PETERSEN  
Chief Hearing Officer  
Presiding Officer

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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: Auturo Roberts, Mike Kreidler, Michael G. Watson, John F. Hamje, Esq., Jeff Baughman, Marcia Stickler, Esq., and Carol Sureau, Esq.,

DATED this 11<sup>th</sup> day of May, 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](mailto: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

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**REQUEST FOR INTERPRETER**

I am a party or witness in Matter No. 12-0028, 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: \_\_\_\_\_