

BEFORE THE STATE OF WASHINGTON  
OFFICE OF INSURANCE COMMISSIONER

FILED

2012 JUN 14 P 3:38

In the Matter of

GREGG A. HENDERSON,  
Licensee.

Docket No. 12-0067

MOTION FOR TELEPHONE  
TESTIMONY OF ALLISON "ALLI"  
KRUESSEL AND SHAWN MIHAL

Heidi G. Smith, DIC  
Patricia D. Peterson  
Chief Hearing Officer

The OIC moves to allow the testimony of Allison "Alli" Kruessel and Shawn Mihal by telephone at the July 18, 2012 adjudicative hearing in this matter.

Ms. Kruessel and Mr. Mihal are both non-party witnesses in this matter. In his capacity as GAA's Chief Compliance Officer, Mr. Mihal investigated licensee Gregg Henderson's conduct outlined in the OIC's March 12, 2012 Order Revoking License No. 12-0067. Mr. Mihal works and resides in Florida. Ms. Kruessel also investigated Mr. Henderson's conduct outlined in the aforementioned revocation order. She works and resides in Ohio. Mr. Mihal and Ms. Kruessel are the GAA representatives referenced in the aforementioned revocation order, and each will testify regarding their knowledge of the matter, including their interactions with the licensee.

WAC 10-08-180(1) authorizes telephonic testimony "if the rights of the parties will not be prejudiced and if each participant in the hearing has an opportunity to participate in, to hear, and, if technically and economically feasible, in the judgment of the presiding officer, to see the entire proceeding while it is taking place. However, the presiding officer shall grant the motion of any party showing good cause for having the hearing conducted in person at a rescheduled time."

Allowing these out-of-state-based non-party fact witnesses to testify telephonically will not prejudice the rights of Mr. Henderson, and, pursuant to WAC 10-08-180(1), Mr. Henderson remains free to move to conduct their testimony in person at a rescheduled time should "good cause" arise. On May 11,

2012, Mr. Henderson (via his counsel) received a copy of the contents of OIC's file folder in this case, which included papers and recordings OIC received from Mr. Mihal and Ms. Kruessel. These papers and recordings generally reflect Mr. Mihal's and Ms. Kruessel's knowledge of the matter, and Mr. Henderson remains free to contact each of them with any additional questions he may have regarding their knowledge of the matter. Since Mr. Henderson (and his counsel) and the undersigned OIC staff have in the past freely and quickly communicated and shared documents (via Mr. Henderson's counsel) with one another electronically, OIC and Mr. Henderson are also each free to share any exhibits they see fit with Mr. Mihal and Ms. Kruessel, with each other, and with the Presiding Officer prior to the July 18 hearing. Mr. Henderson will thus have the opportunity to fully participate in the hearing and to cross-examine Ms. Kruessel and Mr. Mihal.

For the foregoing reasons, the OIC moves to allow Mr. Mihal and Ms. Kruessel to testify telephonically at the aforementioned July 18 hearing.

Respectfully submitted this 14<sup>th</sup> day of June, 2012.



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Alan Michael Singet  
OIC Staff Attorney