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OFFICE OF  
INSURANCE COMMISSIONER  
HEARINGS UNIT

2012 JUL 20 P 1:11

Fax: (360) 664-2782

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

Hearing Officer  
Patricia D. Petersen  
Chief Hearing Officer  
Kelly A. Cairns  
Paralegal  
(360) 725-7002  
KellyC@oic.wa.gov

BEFORE THE STATE OF WASHINGTON  
OFFICE OF INSURANCE COMMISSIONER

In the Matter of	)	<b>Docket No. 12-0072</b>
	)	
<b>JUSTINA Y ESPINOZA,</b>	)	<b>NOTICE OF HEARING</b>
	)	
Applicant.	)	
_____	)	

**TO:** Justina Y. Espinoza  
902 N. 29<sup>th</sup> Avenue  
Yakima, WA 98902

Victor H. Lara, Esq.  
Hurley & Lara  
411 North 2<sup>nd</sup> Street  
Yakima, WA 98901

**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  
Andrea Philhower, 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 February 21, 2012, the Insurance Commissioner ("OIC") sent to Justina Y. Espinoza a letter denying her application for a *Letter of Written Consent to Engage in the Business of Insurance*. According to OIC's letter, the denial was based on Ms. Espinoza's criminal record. In response, Ms. Espinoza submitted a request for hearing on March 12, 2012. As bases for her request for hearing, Ms. Espinoza states that she seeks the opportunity to grow professionally and asserts



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that she should not continue to be punished for a crime that was committed eight years ago when she was in high school.

On March 29, 2012, the undersigned held a first prehearing conference in this matter, which included all parties. The OIC was represented by Andrea Philhower, Esq., Staff Attorney in the OIC's Legal Affairs Division. Ms. Espinoza appeared pro se. The undersigned reviewed procedure to be expected at hearing and answered all questions and concerns of the parties. Of significance, Ms. Espinoza had stated that there was a possibility the crime at issue herein had been filed incorrectly at the time and should actually have reflected the crime as being something less than a felony. The parties agreed to allow Ms. Espinoza three months to attempt to have the court record corrected. It was further agreed that Ms. Espinoza should be allowed to conduct the activities required in her employment during this time. The undersigned issued an Order on First Prehearing Conference reflecting these decisions.

A second prehearing conference, which included all parties, was held by the undersigned on July 12, 2012. The OIC was represented by Ms. Philhower. Ms. Espinoza was represented by her attorney, Victor H. Lara, Esq. of Hurley & Lara, Attorneys at Law. The parties agreed that this hearing should be held on September 5, 2012.

Accordingly, **YOU ARE HEREBY NOTIFIED that a hearing will be held commencing on Wednesday, September 5, at 10:00 a.m. Pacific Standard Time.** The purpose of this hearing, which will include all parties, is to consider whether Ms. Espinoza should be granted a Letter of Written Consent to Engage in the Business of Insurance.

The OIC will appear by and through Andrea Philhower, Staff Attorney in the Legal Affairs Division. Ms. Philhower'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) 725-7063. Ms. Espinoza will appear by and through her attorney, Victor H. Lara, Esq. of Hurley & Lara, Attorneys at Law. Mr. Lara's address is 411 North 2<sup>nd</sup> Street, Yakima, WA 98901 and his telephone number is (509) 248-4282.

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 denial letter and in Ms. Espinoza's above-referenced Demand for Hearing.

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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 September 5, 2012, at 10:00 a.m. Pacific Standard Time, and continuing on each successive day until terminated, in the Office of the Insurance Commissioner, 5000 Capitol Blvd., Tumwater, WA.

ENTERED AT TUMWATER, WASHINGTON, this <sup>19<sup>th</sup></sup> day of July, 2012, pursuant to Title 48 RCW and specifically RCW 48.04 and Title 34 RCW and regulations applicable thereto.

  
\_\_\_\_\_  
PATRICIA D. PETERSEN  
Chief Hearing Officer  
Presiding Officer

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: Justina Y. Espinoza, Victor H. Lara, Mike Kreidler, Michael G. Watson, John P. Hamje, Esq., Jeff Baughman, Andrea Philhower, Esq., and Carol Sureau, Esq.,

DATED this <sup>20<sup>th</sup></sup> day of July, 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

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. 12-0072, 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: \_\_\_\_\_