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OFFICE OF
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HEARINGS UNIT
Fax: (360) 664-2782

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

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

BEFORE THE STATE OF WASHINGTON
OFFICE OF INSURANCE COMMISSIONER

In the Matter of)	Docket No. 12-0072
)	
JUSTINA Y. ESPINOZA,)	ORDER ON FIRST PREHEARING
)	CONFERENCE
Respondent.)	
_____)	

TO: Justina Y. Espinoza
902 N. 29th Avenue
Yakima, WA 98902

Victor H. Lara, Esq.
Hurley & Lara
411 North 2nd 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
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 March 12, 2012, the undersigned received a Demand for Hearing from Justina Y. Espinoza, requesting a hearing to contest the Insurance Commissioner's February 21, 2012 denial of her request for a Letter of Written Consent to Engage in the Business of Insurance.

In response to Ms. Espinoza's Demand for Hearing, on March 15, 2012 the undersigned mailed a Notice of Receipt of Demand for Hearing to Ms. Espinoza and on March 29, 2012, the



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undersigned held the first prehearing conference in this matter. During this first prehearing conference, in which Ms. Espinoza appeared representing herself and Andrea Philhower, Staff Attorney, appeared representing the Insurance Commissioner, the undersigned discussed procedure to be expected before, during and after the hearing, and responded to several questions raised by Ms. Espinoza. Of significance, the parties and the undersigned discussed the advantages and disadvantages of Ms. Espinoza applying for a Washington producer's license now and then, if denied, she could contest both the Commissioner's denial of her request for a Letter of Written Consent and denial of her application for a Washington producer's license. Ms. Espinoza determined, reasonably, that she would only contest the Commissioner's denial of her request for a Letter of Written Consent at this time. Further of significance, Ms. Espinoza stated that she had been advised that the crime which is the issue herein had been filed incorrectly at the time of the incident and court proceeding (which was when she was in high school 8 years ago), and should actually have reflected the crime as being something less than a felony. She also stated that she had been advised that it was possible to retain her attorney from that time to attempt to correct the court record to reflect that that crime was something less than a felony. The Commissioner advised that this could make a difference in the Commissioner's denial of her Letter of Written Consent (and perhaps any future denial of her application for a Washington producer's license). For this reason, Ms. Espinoza and the Commissioner agreed to allow Ms. Espinoza three months to attempt to have the court record corrected. The parties further agreed that Ms. Espinoza should be allowed to conduct the activities required in her employment during this time.

Based upon the above activity,

IT IS HEREBY ORDERED that the undersigned will contact the parties in this proceeding in approximately three months from the date of this Order to schedule a second prehearing conference. At that time, the status of Ms. Espinoza's efforts to have her court record will be reviewed and the proceeding will be recommenced.

IT IS FURTHER ORDERED that Ms. Espinoza is allowed to continue to conduct the activities required in her employment during this time.

ENTERED AT TUMWATER, WASHINGTON, this 19th day of April, 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

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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: Justina Y. Espinoza, Mike Kreidler, Michael G. Watson, John F. Hamje, Esq., Andrea Philhower, Esq., and Carol Sureau, Esq.,

DATED this 19th day of April, 2012.


KELLY A. CAIRNS