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STATE INSURANCE COMMISSIONER

STATE OF WASHINGTON

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INSURANCE COMMISSIONER

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HEARINGS UNIT  
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November 20, 2012

Patrick Bryant  
6126 W. State Street #409  
Boise, ID 83703

12740 N. 12<sup>th</sup> Avenue  
Boise, ID 83714

RE: Patrick Bryant, No. 12-0086

Dear Mr. Bryant:

This letter is in response to your email sent and filed on November 9, 2012 requesting reconsideration of the final decision entered in your case, No. 12-0086. The Findings of Facts, Conclusions of Law and Final Order ("Order") in this matter was filed, and was served on you (placed in the U.S. Mail to you) on October 24, 2012. Pursuant to the requirement of RCW 34.05.470, and as you were informed in detail in the Notice which was set forth at the end of the Order, your request for reconsideration must have been filed (as detailed in the Notice at the end of the Order, "filed" is defined in statute as received in this office) within *ten days* from the date of service of the Order (as detailed in the Notice at the end of the Order, "served" is defined in statute as the date the Order was placed in the U.S. Mail to you).

Filings by email are not allowed under Title 34 RCW without prior permission of the presiding officer, but in your situation the fact that your request for reconsideration was filed by email could, but would not necessarily have, resulted in its denial. However, the primary problem is that your request for reconsideration was filed *fifteen days* after the date the Order was served on you. Because, as above, RCW 34.05.470 and the detailed Notice provided to you at the end of the Order require that you must have filed your request for reconsideration within ten days from the date the Order was served on you, you have filed your request for reconsideration too late and therefore it cannot be considered.

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Further, RCW 34.05.461(8)(a) provides that final decisions must be served within ninety days after conclusion of the hearing or after submission of memos, briefs, proposed findings or other evidence filed after conclusion of the hearing in accordance with 34.05.461(7), unless the ninety day period is waived or extended for good cause shown as is indicated in both Finding of Fact No. 1 and Conclusion of Law No. 1 in the Order. Therefore the date the Order herein was entered is not a sufficient reason for either granting reconsideration of the Order or for reversing the decision made in that Order.

Very truly yours,



Patricia D. Petersen  
Chief Presiding Officer

cc: Marcia Stickler, Esq., Staff Attorney, Legal Affairs Division