

Cairns, Kelly (OIC)

From: Philhower, Andrea (OIC)
Sent: Thursday, July 19, 2012 3:58 PM
To: OIC Hearings Unit; 'khauf49@yahoo.com'
Cc: Moines, Renee (OIC)
Subject: HAUF Matter - Proposed Order
Attachments: HAUF PROPOSED Order.doc

FILED

2012 JUL 23 A 10:24

Hearings Unit, OIC
Patricia D. Petersen
Chief Hearing Officer

Ms. Hauf and Ms. Cairnes,

Per our Prehearing Conference today, attached please find OIC's proposed order rescinding its previous order Revoking Ms. Hauf's License, and levying a \$500 fine.

OIC could unilaterally rescind its own Order to Revoke, but cannot unilaterally levy the fine. So, in order to do both in one order, I have had to frame it in the form of a Proposed Order which Judge Petersen would sign if she granted it.

Ms. Hauf,

This proposed order does not change anything about the Proposed Consent Order we previously provided you – you always have the option of agreeing to the fine. If you chose to do that, I would just need to amend the Consent Order, to make it clear that OIC was rescinding its Order to Revoke.

Andrea L. Philhower RN, JD

State Attorney
Legal Affairs
Washington State Office of the Insurance Commissioner

(360)725-7063 | AndreaP@OIC.wa.gov | www.insurance.wa.gov
Insurance 5000 Building P.O. Box 40255 Olympia, WA 98504-0255

* www.insuranceblogspot.com * Twitter: @WAinsuranceblog * Facebook: omni/WSOIC

Protecting insurance consumers

(Insurance Consumer Hotline 1.800.562.6900)

This email message and any attached files are confidential and are intended solely for the use of the addressee(s) named above. This communication may contain material protected by the attorney-client, work product, or other privileges. If you are not the intended recipient or person responsible for delivering this confidential communication to the intended recipient, you have received this communication in error and any review, use, dissemination, forwarding, printing, copying, or other distribution of this email message and any attached files is strictly prohibited. If you have received this confidential communication in error, please notify the sender immediately by reply email message and permanently delete the original message.

IN THE MATTER OF

KERRY LYNN HAUF

Licensee.

ORDER NO. 12-0150

PROPOSED ORDER RESCINDING
PREVIOUS REVOCATION ORDER AND
LEVYING A FINE

The Insurance Commissioner of the State of Washington, pursuant to the authority set forth in RCW 48.02.080, RCW 48.17.530 and RCW 48.17.560, and having reviewed the official records and files of the Office of the Insurance Commissioner ("OIC"), makes the following:

FINDINGS OF FACT:

1. Kerry Lynn Hauf (hereinafter, "Ms. Hauf") has been a licensed Washington resident insurance producer since on or about December 28, 2011.
2. As required under RCW 48.17.090(1), with her application for this license Ms. Hauf provided her fingerprints for submission to the Washington State Patrol ("WSP"). Her fingerprint card was sent to the WSP on December 28, 2011.
3. Per OIC protocol, Ms. Hauf's license was issued pending the results of the WSP's analysis of her fingerprints.
4. The WSP rejected Ms. Hauf's fingerprint card because the prints could not be read.
5. On February 3, 2012, OIC informed Ms. Hauf via email that her fingerprint card had been rejected and the reasons therefor, and requested that she complete and provide to OIC a new fingerprint card.
6. OIC sent the February 3 email to the email address provided by Ms. Hauf on her application. Per WAC 284-17-005(1)(b), this is her address of record. OIC has subsequently communicated with Ms. Hauf on several occasions regarding this matter using this same email address.
7. Ms. Hauf did not respond to the February 3, 2012 request.
8. On March 12, 2012, OIC mailed a second request letter to the mailing address provided by Ms. Hauf, which is also the business address she provided.
9. Ms. Hauf did not respond.

10. On April 17, 2012, OIC mailed a third request letter to Ms. Hauf via certified mail. That letter was signed for on April 20, 2012.
11. Ms. Hauf admitted to having received this letter in a letter she wrote to OIC dated May 25, 2012.
12. Ms. Hauf did not respond to the April 17 letter.
13. On May 21, 2012, OIC mailed a notice to Ms. Hauf that it intended to revoke her Washington insurance producer's license on the basis of these events.
14. Ms. Hauf timely requested a hearing to contest the revocation.
15. On July 19, 2012, during a telephonic Prehearing Conference before the undersigned, OIC indicated that OIC does not seek to revoke Ms. Hauf's Washington insurance producer's license at this time, but instead seeks an order requiring her to submit a legible fingerprint card, and levying a fine of \$500. Consequently, OIC seeks to rescind its previous Order Revoking License, OIC Order No. 12-0150.
16. During that same Prehearing Conference, Ms. Hauf timely requested a hearing to contest the \$500 fine.

CONCLUSIONS OF LAW:

1. By failing to furnish legible fingerprints for submission to the WSP, Ms. Hauf violated RCW 48.17.090(1).
2. By failing on multiple occasions to respond timely to an inquiry of the Insurance Commissioner, Ms. Hauf violated RCW 48.17.475.
3. RCW 48.17.560 provides that, upon stipulation or following a hearing, OIC has the authority to levy a fine upon Ms. Hauf in addition to, or in lieu of, revocation of her insurance producer's license.

ORDER

Pursuant to the foregoing Findings of Fact, Conclusions of Law, and Consent to Order, the Insurance Commissioner hereby orders as follows:

1. OIC's previous Order Revoking License, OIC Order No. 12-0150, is hereby **RESCINDED** per OIC's request.

2. Kerry Lynn Hauf shall immediately take all necessary action to produce and submit a substitute fingerprint card to OIC which is accepted by the WSP as legible.

2. Ms. Hauf shall pay a fine in the amount of \$500.00.

3. Ms. Hauf's failure to submit a legible fingerprint card and pay the fine within the time limit set forth above and abide by the conditions of this Order shall result in the revocation of her resident Washington insurance producer's license and in the recovery of the fine through a civil action brought on behalf of the Insurance Commissioner by the Attorney General of the State of Washington.

ENTERED AT TUMWATER, WASHINGTON, this ____ day of _____ 2012.

MIKE KREIDLER
Insurance Commissioner

By

Patricia Petersen
Chief Hearings Officer
Washington State Office of the Insurance Commissioner