



OFFICE OF
INSURANCE COMMISSIONER
HEARINGS UNIT

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BEFORE THE STATE OF WASHINGTON
OFFICE OF INSURANCE COMMISSIONER

In the Matter of)	Docket No. 12-0170
)	
KAHALE NAKAIMA ROGAN,)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
Applicant.)	AND FINAL ORDER
_____)	

TO: Kahale Nakaima Rogan
1700 N. Country Vista Blvd.
Liberty Lake, WA 99019

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

Pursuant to RCW 34.05.434, 34.05.461, 48.04.010 and WAC 10-08-210, and after notice to all interested parties and persons the above-entitled matter came on regularly for hearing before the Washington State Insurance Commissioner commencing, by agreement of the Commissioner and Kahale Nakaima Rogan, at 10:00 a.m. on August 30, 2012. Kahale Nakaima Rogan failed to appear at that time and, when contacted by the undersigned's paralegal when all parties except him were present in the hearing room to commence the proceeding, advised that he was still in Spokane, WA, had gotten a flat tire the night before and was unable to travel to Olympia to participate in the hearing. The hearing was therefore continued to September 4, with proper notice given to all parties. All persons to be affected by the above-entitled matter were given the right to be present at such hearing during the giving of testimony, and had reasonable



FINDINGS OF FACT, CONCLUSIONS OF LAW
AND FINAL ORDER

12-0170

Page - 2

opportunity to inspect all documentary evidence. The Commissioner appeared by and through Andrea Philhower, Esq., Staff Attorney in his Legal Affairs Division. Kahale Nakaima Rogan again failed to appear, and as he had been carefully advised by the Commissioner's staff members and the undersigned, on the record on August 30, and in the Notice of Hearing entered on July 20, 2012, the hearing proceeded and the Commissioner's evidence was presented without him as permitted by RCW 34.05.440.

NATURE OF PROCEEDING

The purpose of the hearing was to take testimony and evidence and hear arguments as to whether the Insurance Commissioner's decision to deny his Short Form Application for Written Consent to Engage in the Business of Insurance Pursuant to 18 U.S.C. Secs. 1033 and 1034, which is evidenced in the OIC's letter to Kahale Nakaima Rogan dated March 27, 2012, should be confirmed, set aside or modified. Said denial is based on the Commissioner's concerns about Kahale Nakaima Rogan's criminal history, which includes 2009 felony convictions for assault and harassment and other criminal matters detailed below. On June 4, 2012, Kahale Nakaima Rogan filed a Demand for Hearing to contest the Commissioner's denial of his Short Form Application for Written Consent to Engage in the Business of Insurance.

FINDINGS OF FACT

Having considered the evidence and arguments presented at the hearing, and the documents on file herein, the undersigned presiding officer designated to hear and determine this matter finds as follows:

1. The hearing was duly and properly convened and all substantive and procedural requirements under the laws of the state of Washington have been satisfied. This Order is entered pursuant to Title 48 RCW and specifically RCW 48.04; Title 34 RCW and specifically, for good cause shown, RCW 34.05.461(8); and regulations pursuant thereto.
2. Kahale Nakaima Rogan ("Rogan") is a 34 year old individual who was born in Honolulu, Hawaii and has been a resident of Liberty Lake, WA for many years. He attended Whitworth College in Spokane, WA. From 2003 until 2008, Rogan held a Washington resident insurance producer's license ("license"). [Ex. 1a.] He also holds, or held, an Idaho producer's license. In 2008, Rogan let his Washington license lapse, although at that time he had also had some insurers cancel their affiliations with him early. [Ex. 8.] In 2012, he decided to resume his career in the insurance industry and so needed to obtain a new license from the Washington State Insurance Commissioner ("OIC"). Therefore, on March 16, 2012 he filed a Short Form Application for Written Consent to Engage in the Business of Insurance Pursuant to 18 U.S.C. Secs. 1033 and 1034 ("Short Form Application"). In situations where an applicant has the type of criminal record that Rogan has, this Short Form Application must be granted by the OIC

FINDINGS OF FACT, CONCLUSIONS OF LAW
AND FINAL ORDER

12-0170

Page - 3

before the OIC issues an insurance producer's license to that applicant. [Ex. 9.] On March 27, 2012 the OIC denied Rogan's Short Form Application, and on June 4, 2012 Rogan filed his Demand for Hearing to contest the OIC's denial.

3. From some period of time continuing to April 2006, Rogan was also licensed as a securities broker/dealer but has not been registered as a securities broker/dealer with the federal Financial Industry Regulatory Authority (FINRA) since April 2006. [Ex. 43.] It is unclear whether he was or is currently licensed by the Washington State Department of Financial Institutions or any other authority as a securities broker/dealer. He has been, and currently may be, licensed as an insurance producer by the state of Idaho. Finally, it appears that he may be licensed by the Washington State Department of Licensing as a real estate agent.

3. Rogan failed to appear at the adjudicative proceeding held in this matter. The process is detailed in Findings 4 through 7 below.

4. On July 12, 2012, the undersigned held a prehearing conference in this matter by telephone, which included all parties. The OIC was represented by Andrea Philhower, Esq., Staff Attorney in the OIC's Legal Affairs Division. Rogan appeared pro se. At the prehearing conference the parties agreed the hearing should be held on August 30, 2012.

5. A Notice of Hearing was entered by the undersigned on July 19, 2012, and was filed and mailed to Rogan at his address of record on July 20, 2012. The Notice of Hearing informed the parties of the date, time, place, issues involved, contact numbers for the undersigned and her Paralegal, and the advice that should a party fail to appear they may be held in default.

6. On August 30, 2012, at 10:00 am, PST, the hearing was ready to commence, however Rogan did not appear nor did Rogan telephone, write or email anyone or otherwise communicate that he would not appear at the hearing. After waiting approximately 15 minutes for Rogan, the undersigned's paralegal called Rogan's telephone number. Rogan answered the telephone and when advised that the hearing was to commence at that time and asked as to his whereabouts, he explained that he was still in Spokane and was unable to appear at the hearing that morning because his vehicle had gotten a flat tire and he could not have it repaired until that morning. The undersigned then arranged for Rogan to make an appearance by telephone and the hearing was commenced at approximately 10:30 am for the limited purpose of discussing scheduling a continuance. During that teleconference, Rogan again explained his situation. After hearing from both parties, the undersigned rescheduled the hearing for September 4, 2012 at 10:00 am PST, followed by a lengthy and detailed discussion whereby the undersigned, the OIC's attorney and also OIC staff advised Rogan of the potential consequences of his failure to appear at the newly rescheduled September 4 hearing. The undersigned, the OIC's attorney and also OIC staff also answered all questions posed by Rogan concerning the consequences of his failure to appear at the rescheduled September 4 hearing until it was very clear that should he fail to appear at the September 4 hearing the evidence would be introduced against him and these Findings of Facts, Conclusions of Law and Final Order would be entered without his input (i.e., default).

FINDINGS OF FACT, CONCLUSIONS OF LAW
AND FINAL ORDER

12-0170

Page - 4

7. On the morning of September 4, 2012, the date rescheduled for the hearing, the undersigned's paralegal received an email from Rogan, which Rogan had sent at 9:18 p.m. the night before, informing her that he would not be present at the hearing, again due to tire trouble. In his email, Rogan stated: "I guess a career in insurance simply isn't meant to be for me." The hearing, including presentation of live and telephonic testimony, written documents and oral argument, then commenced on September 4, 2012 as scheduled, without the participation of Rogan.

8. On November 20, 2003, Rogan applied for a Washington nonresident insurance producer's license for the first time. [Ex. 1.] Question No. 1 on that application asks *Have you ever been convicted of, or are you currently charged with, committing a crime, whether or not adjudication was withheld?* and explains that "Crime" includes a misdemeanor, felony or a military offense. You may exclude misdemeanor traffic citations and juvenile offenses. "Convicted" includes, but is not limited to, having been found guilty by verdict of a judge or jury, having entered a plea of guilty or nolo contendere, or having been given probation, a suspended sentence or a fine. Rogan replied *No* to Question No. 1. On January 19, 2004 the OIC received the FBI Report [Ex. 2] which the OIC had ordered earlier, and thereby discovered that Rogan had in fact been convicted of at least one crime, and was currently charged with other felony crimes, at the time he filed his application for a license with the OIC on November 20, 2003.

9. The disposition of some of the crimes for which Rogan was arrested and charged is unclear: e.g., on March 26, 1999 Rogan was arrested and charged with Assault [Ex. 19]; on August 21, 2000 Rogan was charged with Reckless Driving, which was apparently dismissed on the state's motion [Ex. 33]; on August 2, 2002 Rogan was arrested and charged with Malicious Mischief as a result of a domestic violence situation involving his fiancée but apparently that charge was dismissed due to her unwillingness to file a complaint against him within 72 hours [Ex. 37]; on October 29, 2005, Rogan was charged with Reckless Driving in Liberty Lake, WA. [Ex. 16.] [Testimony of Detective Ray Bourgeois.] However, it is very clear that Rogan was convicted of some of the crimes presented as evidence herein: 1) On or about November 9, 2002, Rogan was arrested and charged with the crimes of Rendering Criminal Assistance 2 and Obstruction of a Law Enforcement Officer; on January 7, 2003 the Spokane County District Court, in Case No. C00397840, found him guilty, and convicted him of, Obstruction of a Law Enforcement Officer, sentenced him to 365 days in jail with some days suspended, sentenced him to 12 months probation and fined him \$5,000 with some of this amount suspended. [Exs. 2, 29.] Therefore Rogan, under oath, falsely stated *No* to Question No. 1 on his November 20, 2003 OIC license application because just ten months prior to making this statement he had in fact been convicted of the crime of Obstruction of a Law Enforcement Officer, which was a non-misdemeanor traffic, non-juvenile crime that was required to be reported in his license application. Additionally, 2) on November 8, 2003, Rogan was arrested and charged with the crimes of Felony Assault; Harassment-Threatening to Kill; and Reckless Endangerment, all felonies. The details concerning these charges are that on November 13, 2003 Rogan was

FINDINGS OF FACT, CONCLUSIONS OF LAW
AND FINAL ORDER

12-0170

Page - 5

intoxicated, assaulted his girlfriend with a steak knife while she held their 3-week old baby, told his girlfriend he would kill her if she called 911, and when Officer Deines of the Liberty Lake Police Department and others arrived he caused the baby to be either thrown or dropped off of his porch where it fell to the ground. [Ex. 24; Testimony of Officer Bradley Deines.] This case came before Spokane County District Court, Case No. 031035948, and on March 16, 2004 Rogan entered into a plea agreement [Ex. 24] on the charge of Harassment-Domestic Violence (a gross misdemeanor) and for this crime he agreed to a sentence of 365 days in jail with some days suspended, 24 months probation, a \$860 fine, a no contact order being entered against him and participation in anger management classes. Therefore Rogan, under oath, falsely stated *No* to Question No. 1 on his November 20, 2003 OIC license application because, just 12 days earlier, he had been arrested and charged with these three felonies and at the time of his application he remained currently charged with these three felonies.

10. OIC's Investigation: Because the OIC had discovered that Rogan had made a false statement to the OIC in his November 20, 2003 license application, on April 1, 2004 the OIC wrote to Rogan asking for details of these crimes and for an explanation of why he did not disclose this information. [Ex. 3.] After failing to respond initially and being reminded by the OIC on April 29 [Ex. 4], on May 12, 2004 Rogan responded. [Ex. 5.] Of significance, Rogan admitted to having been found guilty and convicted of Obstructing a Law Enforcement Officer and admitted that he had failed to disclose this in his license application in response to Question No. 1. Rogan also admitted that, as found above, on November 8, 2003 he was arrested and charged with the crimes of Assault; Harassment-Threatening to Kill; and Reckless Endangerment and so was currently charged with these felonies on the date of his license application. He further stated that these three crimes were initially considered felonies, that he was still currently charged with these three felonies at the time of his license application and should have disclosed them in his license application along with the fact that he was still on probation. (He stated that later on these three crimes were reduced to a single gross misdemeanor charge of Harassment-Domestic Violence to which he plead guilty and was convicted, and for which he was sentenced to one year in prison, paid a fine and was still on probation, and that he also failed to disclose any of this information in his license application.) While the OIC advised Rogan that he had indeed falsely answered *No* to Question No. 1 and thereby violated specific provisions of the Insurance Code, the OIC concluded the investigation by issuing a May 12, 2004 Letter of Counsel to Rogan, advising him that he must truthfully answer *Yes* to Question No. 1 and cautioned him to be careful in reading and answering questions on all applications in future insurance dealings. [Ex. 6.]

11. After the OIC's Investigation of Rogan was concluded by the OIC's Letter of Counsel dated May 12, 2004, beginning on January 24, 2005 Rogan was the subject of several court actions which, among other matters, involved his wife and their baby, which resulted in an Order of Protection being issued against Rogan, based upon allegations that on January 23, 2005 he had come home at 6:00 a.m. intoxicated, threatened her life and kicked her in the head, and that in August 2004, when driving, he threatened to choke her, stopped the car, pulled her out of the car pulling muscles in her back and arm, and drove off with their baby. [Ex. 17.] Subsequently, on

FINDINGS OF FACT, CONCLUSIONS OF LAW
AND FINAL ORDER

12-0170

Page - 6

August 15, 2005 Rogan was charged with 2nd Degree Theft which was dismissed on the state's motion because Rogan paid restitution. [Ex. 35.] On October 29, 2005, Rogan was charged with Reckless Driving in Liberty Lake, WA. [Testimony of Detective Ray Bourgeois of Liberty Lake Police Department; Ex. 16.] During this time Rogan was also involved as defendant in several other legal actions involving alleged violence; involving Rogan's stalking of one of his former employees which resulted in a protective order being issued against Rogan; alleged theft of money paid as premium for Allstate insurance coverage which resulted in Allstate, rather than Rogan, returning those funds to the insured; falsifying Allstate documents, and other serious matters. [Testimony of Detective Bourgeois; Exs. 11-18.]

12. Allstate's Investigation: From approximately 2003 until October 2006 Rogan worked as an exclusive agent for Allstate in the Life, Disability, Property and Casualty lines. He also held Series 6 and 63 licenses to sell securities. In October 2006, Allstate terminated its appointment of Rogan to act as its insurance agent, following its investigation which resulted in its determination that Rogan was falsifying Allstate applications which resulted in improper rating and discounts and other problems. More specifically, during its investigation of Rogan, Allstate concluded, and based on evidence independently shown by the OIC at hearing it is here found, that in at least some 11 applications for insurance which he submitted to Allstate on behalf of many of his insurance clients, Rogan falsely stated clients' addresses; falsely stated that many of these clients were married when they were not; and/or used the person with the better driving record as primary driver when he/she was not the primary driver; provided false VIN numbers he had obtained on Ebay in these applications, all for the apparent purpose of obtaining cheaper rates for these clients, and thereby Rogan committed insurance fraud. [Testimony of Jeff Baughman; Testimony of Detective Bourgeois; Exs. 12, 13 and 14, incl. attachments 14A-14K.]

13. The OIC concluded a second investigation concerning Rogan's handling of premium funds by a September 11, 2006 Letter of Counsel to Rogan. [Ex. 15.]

14. On January 29, 2007 Rogan was observed by Police Officer Bradley Deines and others driving 90 MPH on a 35 MPH road. When the patrol cars turned on their lights and pursued Rogan, he refused to pull over and accelerated to 110-120 MPH on a 45 MPH road, then increased his speed to 120 MPH. An officer deployed spike strips on the road to stop him, Rogan steered toward the officer deploying the strips requiring the officer to run into an adjacent parking lot to avoid being struck. Rogan then drove off the road, apparently crashed and was attempting to flee on foot when he was tasered by the police. [Testimony of Officer Bradley Deines; Exs. 27, 40.] Rogan was angry and violent, and was arrested and charged with 2nd degree Assault, Attempt to Elude, and Driving While Under the Influence. He plead guilty in Spokane County Superior Court, Case No. 07100331-3, of 4th degree Assault and DUI (misdemeanors) and Attempt to Elude a Police Vehicle (felony), was sentenced to 2 days in jail with 363 days suspended, \$866 fine for DUI, and an \$800 felony fine. [Exs. 27, 40.]

15. On February 17, 2009, Officer Bradley Deines, Officer T.L. Wilkerson and Sergeant Gibson, all of the Liberty Lake Police Department, arrived at Rogan's house in response to an

FINDINGS OF FACT, CONCLUSIONS OF LAW
AND FINAL ORDER

12-0170

Page - 7

emergency call. They found Rogan's wife at the bottom of their stairs, her face unrecognizable because she had been severely beaten by Rogan, and after 2 days in the hospital she was still unable to walk and was unrecognizable. [Testimony of Officer Deines; Testimony of Detective Bourgeois; Ex. 42, explicit photos of wife's injuries taken by police.] Rogan then threatened to kill two of the police officers and the wife of one. Due to his threats and violence, it took 3 to 4 people to walk Rogan into jail. [Testimony of Officer Deines; Testimony of Detective Bourgeois; Exs. 23, 39, 41, 42.] This incident resulted in Rogan being charged with 1st Degree Burglary; Harassment; and 2nd Degree Assault. Rogan pled guilty to Harassment-Domestic Violence (Class C Felony under 9A.46.020(2)(b)(a)) and 2nd Degree Assault - Domestic Violence (Class B Felony), was convicted of these crimes and sentenced to 13 months incarceration, 18 months probation, required to complete prescribed crime-related treatment and counseling, fined \$1,312.68, and required to comply with a No Contact Order for 10 years (later modified). [Testimony of Officer Deines; Testimony of Detective Bourgeois; Exs. 23, 39, 41, 42.] Since that time, there have been other incidents involving domestic violence such as one occurring on January 12, 2011 which resulted in Rogan being arrested and jailed for trespassing, which was in violation of the probation he was under for a previous crime. [Ex. 41.]

16. Because, as above, Rogan's Washington insurance producer's license lapsed in 2008 and so he needed a new license to resume his insurance career, on March 16, 2012 he submitted a Short Form Application for Written Consent to Engage in the Business of Insurance Pursuant to 18 U.S.C. Sec. 1033 and 1034 [Ex. 9] which is required prior to receiving a Washington producer's license when an applicant has the type of criminal record that Rogan has. In his Short Form Application, Rogan proposed to resume working in the insurance business on March 19, 2012 with Federal Financial Group LLC. Rogan's Short Form Application is false and incomplete in many respects, including his identification and details of his criminal history as required, identification and details of the conviction(s) for which he was seeking written consent and final disposition of these matters as required, his lack of provision of the address of his proposed employer Federal Financial Group LLC as required, and other areas.

17. On March 27, 2012 the OIC denied Rogan's Short Form Application, based upon Rogan's criminal background dating back to 2002, and especially his October 19, 2009 convictions for 1) Harassment - Domestic Violence (a felony) and 2) Second Degree Assault - Domestic Violence (a felony), detailed in the above findings, thus determining that Rogan should not be allowed to engage or participate in the business of insurance.

18. Officer Bradley Deines, a police officer employed by the Liberty Lake, WA Police Department, appeared by telephone as a witness called by the OIC. Officer Deines has been directly involved in cases involving Rogan including those detailed in the Findings of Facts above. Officer Deines presented his testimony in a detailed and credible manner and presented no apparent biases.

19. Detective Ray Bourgeois, a detective employed by the Liberty Lake, WA Police Department appeared by telephone as a witness called by the OIC. Detective Bourgeois has been

FINDINGS OF FACT, CONCLUSIONS OF LAW
AND FINAL ORDER

12-0170

Page - 8

directly involved in cases involving Rogan including those detailed in the Findings of Facts above. Detective Bourgeois presented his testimony in a detailed and credible manner and presented no apparent biases.

20. Cheryl Penn, a Compliance Analyst with the OIC Licensing Division, appeared as a witness called by the OIC. Ms. Penn presented her testimony in a detailed and credible manner and presented no apparent biases.

21. Jodie Thompson, Legal Secretary 2 with the OIC, appeared as a witness called by the OIC. Ms. Thompson presented her testimony in a detailed and credible manner and presented no apparent biases.

22. Jeff Baughman, Licensing Manager with the OIC, appeared as a witness called by the OIC. Mr. Baughman presented his testimony in a detailed and credible manner and presented no apparent biases.

23. Based upon the above Findings of Facts above, it is reasonable that the OIC's decision to deny Kahale Nakaima Rogan's Application for Written Consent to Engage in the Business of Insurance Pursuant to 18 U.S.C. Secs. 1033 and 1034 should be upheld.

CONCLUSIONS OF LAW

Based upon the above Findings of Facts, it is hereby concluded:

1. The adjudicative proceeding herein was duly and properly convened and all substantive and procedural requirements under the laws of the state of Washington have been satisfied. This Order is entered pursuant to Title 48 RCW and specifically RCW 48.04; Title 34 RCW including, for good cause shown, RCW 34.05.458(8); and regulations pursuant thereto.

2. Pursuant to 18 U.S.C., Secs. 1033 and 1034, and specifically 18 U.S.C. Sec. 1033(e), any individual who has been convicted of any criminal felony involving dishonesty or a breach of trust may engage in the business of insurance or participate in such business if such person has the written consent of the regulatory official authorized to regulate the insurer. Pursuant to 18 U.S.C. Secs. 1033 and 1034, the Short Form Application for Written Consent to Engage in the Business of Insurance Pursuant to 18 U.S.C. Secs. 1033 and 1034 ("Short Form Application") shall be reviewed by the Washington State Insurance Commissioner, as the chief insurance regulatory official in this state, to determine whether the Applicant should be given written consent pursuant to 18 U.S.C. Sec. 1033(e)(2). Therefore on March 6, 2012, the OIC, the properly designated authority to do so, duly reviewed Rogan's Short Form Application. On March 27, 2012 the OIC properly denied Rogan's Short Form Application, based upon Rogan's criminal history dating back to 2002, and particularly his October 2009 conviction for 1) Harassment-Domestic Violence (a felony) and 2) Second Degree Assault – Domestic Violence (a

FINDINGS OF FACT, CONCLUSIONS OF LAW
AND FINAL ORDER

12-0170

Page - 9

felony), determining that Rogan should not be allowed to engage or participate in the business of insurance.

3. In addition, even if the OIC had granted Rogan's Short Form Application for Written Consent to Engage in the Business of Insurance Pursuant to 18 U.S.C. Secs. 1033 and 1034, which is required prior to consideration of his Application for a Washington Insurance Producer's License, the OIC presented more than sufficient bases to deny that any Application for a Washington Insurance Producer's License which Rogan might submit. Most particularly, the OIC presented sufficient evidence to conclude that Rogan should not be granted a Washington Insurance Producer's License based upon 1) Rogan's extensive criminal record; 2) Rogan's false answer, made under oath, to Question No. 1 in his November 20, 2003 Application for a Washington Resident Insurance Producer's License; 3) Rogan's false and incomplete answers to questions in current Short Form Application for Written Consent filed March 6, 2012 which is the subject of this proceeding; and 4) Rogan's false statements, as found above, on many applications he submitted to Allstate Insurance Company on behalf of his clients.

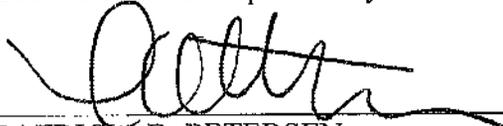
4. Based upon the above Findings of Facts and Conclusions of Law, it is hereby concluded that the OIC's decision to deny Kahale Nakaima Rogan's Application for Written Consent to Engage in the Business of Insurance Pursuant to 18 U.S.C. Secs. 1033 and 1034 was reasonable, consistent with law and should be upheld. The OIC properly denied Rogan the authority to become engaged in the business of insurance, or to participate in the business of insurance, in any way, as contemplated by 18 U.S.C. Sec. 1033 and should he do so he shall be subject to those penalties set forth in 18 U.S.C. Sec. 1034 (a) and (b), specific portions of the Insurance Code and other statutes.

ORDER

On the basis of the foregoing Findings of Facts and Conclusions of Law,

IT IS HEREBY ORDERED that the Washington State Insurance Commissioner's decision to deny Kahale Nakaima Rogan's Short Form Application for Written Consent to Engage in the Business of Insurance Pursuant to 18 U.S.C. Sec. 1033 and 1034 is upheld.

ENTERED AT TUMWATER, WASHINGTON, this 16th day of January, 2013, pursuant to Title 48 RCW and specifically RCW 48.04 and Title 34 RCW and regulations applicable thereto.



PATRICIA D. PETERSEN
Chief Presiding Officer

FINDINGS OF FACT, CONCLUSIONS OF LAW
AND FINAL ORDER

12-0170

Page - 10

Pursuant to RCW 34.05.461(3), the parties are advised that they may seek reconsideration of this order by filing a request for reconsideration under RCW 34.05.470 with the undersigned within 10 days of the date of service (date of mailing) of this order. Further, the parties are advised that, pursuant to RCW 34.05.514 and 34.05.542, this order may be appealed to Superior Court by, within 30 days after date of service (date of mailing) of this order, 1) filing a petition in the Superior Court, at the petitioner's option, for (a) Thurston County or (b) the county of the petitioner's residence or principal place of business; and 2) delivery of a copy of the petition to the Office of the Insurance Commissioner; and 3) depositing copies of the petition upon all other parties of record and the Office of the Attorney General.

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: Kahale Rogan, Mike Kreidler, Michael G. Watson, John F. Hamje, Esq., Andrea Philhower, Esq., and Carol Sureau, Esq.,

DATED this 16th day of January, 2013.


KELLY A. CAIRNS