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OFFICE OF  
INSURANCE COMMISSIONER  
HEARINGS UNIT

2013 MAR -4 P 1:57

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

BEFORE THE STATE OF WASHINGTON  
OFFICE OF INSURANCE COMMISSIONER

In the Matter of	)	<b>Docket No. 12-0259</b>
	)	
<b>ROBERT BREWER,</b>	)	<b>ORDER TERMINATING</b>
	)	<b>PROCEEDINGS</b>
Licensee.	)	
_____	)	

**TO:** Robert Brewer  
4418 NE St. Johns Road  
Vancouver, WA 98661

Thomas J. Foley, P.C.  
Attorney at Law  
Post Office Box 609  
Vancouver, WA 98666

**COPY TO:** Mike Kreidler, Insurance Commissioner  
Deborah McCurley, Acting Chief Deputy Insurance Commissioner  
John F. Hamje, Deputy Commissioner, Consumer Protection Division  
Robin Aronson, 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 September 24, 2012, the Insurance Commissioner ("OIC") entered an Order Revoking License, No. 12-0259, to Robert Brewer ("Licensee"), revoking his Washington insurance producer's license effective October 12, based upon the OIC's allegations that the Licensee mishandled the process of securing maintenance and performance bonds on behalf of his client



ORDER TERMINATING PROCEEDINGS

12-0259

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Rockford Homes. Said maintenance and performance bonds were required by the City of Battle Ground for the construction of a housing development. On October 11, the undersigned received and filed a Demand for Hearing from the Licensee requesting a hearing to contest the OIC's Order, and therefore pursuant to RCW 48.04 the OIC's Order was automatically stayed pending the outcome of the hearing. On October 31, Thomas J. Foley, Esq. of Vancouver, WA, filed a Notice of Appearance in this matter, advising that he would be representing the Licensee.

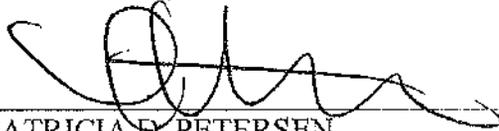
On November 6, 2012, the undersigned held a first prehearing conference at which the Licensee appeared by and through his attorney, Thomas J. Foley, and the OIC appeared by and through Robin Aronson, Esq., Staff Attorney in the Commissioner's Legal Affairs Division. The parties agreed that the hearing herein should commence on February 4 at 10:00 a.m. Accordingly, on December 6, the undersigned entered a Notice of Hearing reflecting the above information.

Thereafter, on January 25, 2013, the OIC filed an email letter along with a copy of a Stipulation and Consent Order executed by the Licensee on January 21 and the OIC on January 25, and included the Licensee's withdrawal of his request for hearing. A copy of the OIC's January 25 letter, and the Stipulation and Consent Order are attached hereto and are by this reference made a part hereof. Finally, on February 1, the Licensee surrendered his Washington producer's license pursuant to the terms of the Stipulation and Consent Order.

Based upon the above activity,

**IT IS HEREBY ORDERED** that, by the Licensee's and the OIC's execution of the Stipulation and Consent Order on January 21, 2013 and January 25, 2013, respectively, the parties have fully settled this matter and the proceeding herein, Docket No. 12-0259, is dismissed with prejudice.

ENTERED AT TUMWATER, WASHINGTON, this 4<sup>th</sup> day of March, 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

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: Robert Brewer, Thomas J. Foley, Esq., Mike Kreidler, Deborah McCurley, John F. Hamje, Esq., Robin Aronson, Esq., and Carol Sureau, Esq.

DATED this 4<sup>th</sup> day of March, 2013.

  
KELLY A. CAIRNS

**Cairns, Kelly (OIC)**

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**From:** Aronson, Robin (OIC)  
**Sent:** Friday, January 25, 2013 10:22 AM  
**To:** Cairns, Kelly (OIC)  
**Cc:** Aronson, Robin (OIC); 'thomas foley'  
**Subject:** Robert Brewer (Hearing 2/4/13)  
**Attachments:** oicproly21@oic.wa.gov\_20130125\_104624.pdf

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Ms. Cairns,

2013 JAN 25 12:34:42  
OIC

The Robert Brewer hearing is set for 2/4/13. The parties have agreed to a settlement and would jointly ask the Hearing Officer to Enter an Order Terminating Proceedings. Please let us know if the parties need to prepare a Proposed Order or the Hearing Officer will prepare her own Order Terminating Proceedings.

A copy of the signed Stipulation and Consent Order Not To Renew And For Surrender of License is attached.

In lieu of Revocation, the parties have agreed as follows:

1. The Commissioner will rescind the Order Revoking License
2. Mr. Brewer will Surrender his license and Agrees Not to Renew or reapply at any time in the future.
3. Mr. Brewer withdraws his request for a hearing

Please advise Mr. Foley and myself if we need to do anything else to remove this matter from the Hearings Calendar.

Thank you.

Robin Aronson

Robin E. Aronson, CPCU, ARM, AIC  
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OFFICE OF  
INSURANCE COMMISSIONER

*In The Matter of*

Robert E. Brewer,

Licensee.

ORDER NO. 12-0259

STIPULATION AND CONSENT  
ORDER NOT TO RENEW AND  
FOR SURRENDER OF LICENSE

The parties hereby stipulate and agree as follows in resolution of this matter:

**STIPULATED FACTS AND LAW**

1. Robert E. Brewer holds a Washington resident Insurance producer's license, WAOIC # 5805, Issued February 25, 1971 by the Washington State Office of Insurance Commissioner (OIC).

2. On September 24, 2012 the OIC issued an Order Revoking License, effective October 12, 2012, pursuant to RCW 48.17.530 and RCW 48.17.540(2). The licensee timely requested a hearing on said Order Revoking License on October 11, 2012 pursuant to RCW 48.04.010. A stay of the Order Revoking License went into effect pursuant to RCW 48.04.020 and Robert E. Brewer's license was not revoked.

3. In 2007 Robert E. Brewer was contacted to secure maintenance and performance bonds for each of two housing projects in the City of Battle Ground (hereinafter the "City"). Robert E. Brewer and/or his staff engaged in a series of discussions with the City concerning the language on the bonds and provided sample bonds for the City to review and approve language. Following these discussions Mr. Brewer and/or his staff provided the City with copies of six (6) Western Surety bonds. Several of the bonds were mistakenly not finalized, and were submitted to Western Surety for issuance. Mr. Brewer's office failed to keep adequate records as to which bonds had been submitted to Western Surety Company for issuance and which bonds were sample, draft bonds.

4. In 2008 two of the aforementioned unissued Western Surety Company bonds were replaced with two bonds issued by American Safety Insurance. A maintenance bond issued was a one year maintenance bond. The City required maintenance bonds to be two year bonds. Licensee did not timely notify the City that the American Safety Insurance bonds had been secured, nor did he provide a copy of the bonds to the City, nor have the principal sign the bonds, until 2010 when claims needed to be presented by the City. The Western Surety Company maintenance bonds upon which claims were presented by the

City were deemed invalid, having never been issued.

5. The aforementioned conduct is in violation of RCW 48.30.090, RCW 48.17.470, and RCW 48.17.530(1)(h).

**STIPULATION AND CONSENT TO ORDER:**

Licensee, Robert E. Brewer, acknowledging his duty to comply fully with the applicable laws of the State of Washington, enters into this Stipulation voluntarily and consents to the following in consideration of his desire to resolve this matter without further administrative or judicial proceedings. The Insurance Commissioner agrees to rescind the Order Revoking License and consents to settle the matter as described below. The parties agree as follows:

1. Licensee agrees to withdraw his request for hearing;
2. Licensee waives any and all hearing rights and further administrative or judicial challenge to the OIC's actions related to the subject matter of the Order;
3. Licensee consents to at no time seek to renew or reapply for his Washington resident insurance producer license, and to surrender his Washington insurance producer license to the OIC within 15 days from entry of this Order.
4. Licensee's failure to surrender the license within 15 days from entry of the Order shall constitute grounds for reinstatement of the Order Revoking License.
5. The Commissioner agrees to resolve this matter without further administrative or judicial proceedings and to rescind the Order Revoking License.

EXECUTED this 21 day of JAN, 2013.

Robert E. Brewer

By: RE Brewer

Printed Name: Robert E Brewer

By: Thomas J. Foley WSBA 17054  
Attorney for Licensee Robert Brewer

**ORDER OF THE INSURANCE COMMISSIONER:**

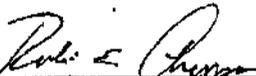
1. The Insurance Commissioner hereby rescinds the Order Revoking License and replaces said Order Revoking License with the Consent Order Not to Renew and for Surrender of License.

2. Licensee will surrender his Washington producer license within 15 days of the date of entry of this Order and may not renew or reapply for a Washington producer license at any time in the future.

3. Failure to surrender the license shall constitute grounds for reinstatement of the Order Revoking License.

ENTERED AT TUMWATER, WASHINGTON, this 25<sup>TH</sup> day of January, 2013.

MIKE KREIDLER  
Insurance Commissioner

By   
Robin E. Aronson  
OIC Staff Attorney  
Legal Affairs Division