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OFFICE OF  
INSURANCE COMMISSIONER  
HEARINGS UNIT

2013 APR -1 P 1:24

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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. 12-0307</b>
	)	
<b>DWI of Tacoma, Inc. dba Dave Warner</b>	)	<b>ORDER TERMINATING</b>
<b>Insurance Inc., and Michelle T. Simmons,</b>	)	<b>PROCEEDINGS</b>
	)	
Licensees.	)	
	)	

**TO:** Michelle T. Simmons  
19701 14<sup>th</sup> Avenue East  
Spanaway, WA 98387

DWI of Tacoma Inc. dba Dave Warner Insurance Inc.  
2115 South 56<sup>th</sup> Street, Suite 316  
Tacoma, WA 98409

**COPY TO:** Mike Kreidler, Insurance Commissioner  
Deborah McCurley, Acting Chief Deputy Insurance Commissioner  
John F. Hamje, Deputy Commissioner, Consumer Protection Division  
Alan Singer, Staff Attorney, Legal Affairs Division  
Charles Brown, Acting Deputy Commissioner, Legal Affairs Division  
Office of the Insurance Commissioner  
PO Box 40255  
Olympia, WA 98504-0255

On November 20, 2012, the Insurance Commissioner (OIC) issued an Order Suspending and Revoking Licenses, No. 12-0307, suspending and revoking the Washington resident insurance producer's license of Michelle T. Simmons ("Simmons") and the resident business entity insurance producer license of DWI of Tacoma Inc. dba Dave Warner Insurance Inc. ("DWI") (collectively referred to as "Licensees"). The OIC's Order was based upon the Licensees' inappropriate handling of funds and inadequate financial record keeping. On November 27,

ORDER TERMINATING PROCEEDINGS

12-0307

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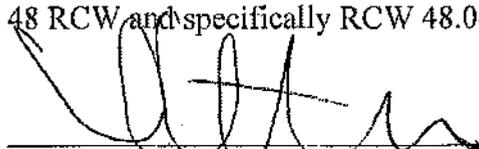
2012, Simmons filed a Demand for Hearing to contest the OIC's Order. Pursuant to RCW 48.04.020(1), the suspension of the licenses was not stayed and remained in effect but the revocation of the licenses as set forth in OIC's Order Suspending and Revoking Licenses was automatically stayed prior to its taking effect.

On December 7, 2012, the undersigned held a first prehearing conference in this matter, which included all parties. The OIC was represented by Alan Singer, Esq., Staff Attorney in the OIC's Legal Affairs Division. Simmons appeared pro se on her own behalf and on behalf of DWI. The parties agreed that this hearing should be held on February 26, 2012. Subsequently, pursuant to a request from the OIC, the undersigned issued several subpoenas requiring production of bank account records for bank accounts in the Licensees' names on January 30, 2013. On January 31, Simmons filed an email letter withdrawing the request for a hearing because the agency's book of business was sold and DWI was closed. The Licensees' statement withdrawing the request for hearing is attached hereto and by this reference made a part hereof.

Based upon the above activity,

**IT IS HEREBY ORDERED** that this proceeding, Docket No. 12-0307, is hereby dismissed with prejudice. The Order Suspending and Revoking Licenses, No. 12-0307, remains in effect.

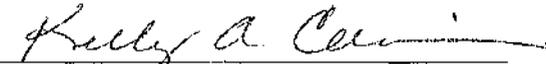
ENTERED AT TUMWATER, WASHINGTON, this 1<sup>st</sup> day of April, 2013, pursuant to Title 48 RCW and specifically RCW 48.04 and Title 34 RCW and regulations applicable thereto.

  
PATRICIA D. PETERSEN, J.D.  
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: Michelle T. Simmons, DWI of Tacoma Inc. dba Dave Warner Insurance Inc., Mike Kreidler, Deborah McCurley, John F. Hamje, Esq., Alan Singer, Esq., and Charles Brown, Esq.,

DATED this 2<sup>nd</sup> day of April, 2013.

  
KELLY A. CAIRNS

**Cairns, Kelly (OIC)**

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**From:** Michelle Simmons [shygal7677@msn.com] FILED  
**Sent:** Thursday, January 31, 2013 8:56 AM  
**To:** Singer, Alan (OIC)  
**Cc:** Cairns, Kelly (OIC); Tribe, Christine (OIC)  
**Subject:** Re: DWI of Tacoma Inc d/b/a Dave Warner Ins. Inc, and Michelle T. Simmons - OIC Case No. 12-0307.

I would like to withdraw my request for a hearing. The agency's book of business was sold in December and Dave Warner Insurance is closed.

Thank you,  
Michelle Simmons

On Jan 31, 2013, at 7:44 AM, "Singer, Alan (OIC)" <AlanS@OIC.WA.GOV> wrote:

Hi Michelle,

To date, I have not received any response at all from you about our request for subpoenas for the bank records involved in your and your agency's insurance business. I have not received any responses to any of my e-mail messages requesting these subpoenas, nor any telephone calls or letters from you. Apparently you also have not responded to or communicated with Judge Petersen or Kelly Cairns about this request, either. Based on your lack of response, apparently, I understand Judge Petersen issued the subpoenas. Attached are e-mails from Ms. Cairns regarding this, which were sent to me while I was out of the office yesterday.

If you have any questions or concerns about this, please let me know immediately. Since the subpoenas have now been issued, we will now proceed to gather these documents. Once we received them, we will provide you with copies. Again, if you have any question or concern whatsoever, please feel free to contact me.

Thanks,

Alan

**Alan Michael Singer**

Staff Attorney, Legal Affairs

Washington State Office of the Insurance Commissioner

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