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OFFICE OF
INSURANCE COMMISSIONER
HEARINGS UNIT

2013 FEB 13 P 2: 25

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Patricia D. Petersen
Chief Presiding Officer
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Chief Presiding Officer
Paralegal
(360) 725-7002
KellyC@oic.wa.gov

BEFORE THE STATE OF WASHINGTON
OFFICE OF INSURANCE COMMISSIONER

In the Matter of)	Docket No. 12-0341
)	
DAVID PATRICK DUNNING,)	NOTICE OF HEARING
)	
Licensee.)	
_____)	

TO: David P. Dunning
1114 West 21st Avenue
Spokane, WA 99203

COPY TO: Mike Kreidler, Insurance Commissioner
Deborah McCurley, Acting Chief Deputy Insurance Commissioner
John F. Hamjc, Deputy Commissioner, Consumer Protection Division
Jeff Baughman, Licensing Manager, Consumer Protection Division
Marcia Stickler, Staff Attorney, Legal Affairs Division
Carol Surcau, Deputy Commissioner, Legal Affairs Division
Office of the Insurance Commissioner
PO Box 40255
Olympia, WA 98504-0255

On December 19, 2012, the Insurance Commissioner (OIC) issued an Order Revoking License No. 12-0341, ordering that the Washington insurance producer's license issued to David Patrick Dunning ("Licensee") be revoked, effective January 4, 2013. The OIC's Order is based upon the OIC's assertion that the Licensee failed to respond to numerous attempts by the OIC to communicate with him in its efforts to obtain a replacement fingerprint card which is more legible than the one he had submitted with his application for an insurance producer's license. Specifically, the OIC asserts that the Licensee (1) violated RCW 48.17.090 by not providing a legible fingerprint card for the purposes of a background check; and (2) violated RCW 48.17.475 for failing to respond to the OIC's numerous attempts to communicate with him to request that he obtain and send a new fingerprint card to the OIC. On January 11, 2013, the Licensee filed a

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Demand for Hearing to contest the OIC's Order Revoking License. In his Demand, the Licensee indicated (1) there were some unique circumstances that resulted in his failure to provide a replacement fingerprint card, including a change in employment and other issues with the entity which handled the fingerprint cards; (2) he has since acquired a replacement fingerprint card and, in fact, mailed in the replacement fingerprint card on January 11, 2013 along with his Demand for Hearing; and (3) he would like to remain in the insurance industry and therefore hopes to resolve this matter.

On February 5, 2013, the undersigned held a first prehearing conference in this matter, which included all parties. The OIC was represented by Marcia Stickler, Esq., Staff Attorney in the OIC's Legal Affairs Division. Licensee appeared pro se. The undersigned reviewed procedure to be expected at hearing and answered all questions and concerns of the parties. Of significance, the undersigned advised the parties that, pursuant to RCW 48.04, the OIC's Order Revoking License is not stayed because the Licensee's Demand for Hearing was filed on January 11, 2013, which was after the January 4 effective date of the Order Revoking License. Further, the parties agreed that the hearing in this matter should be held on February 25, 2013.

Accordingly, **YOU ARE HEREBY NOTIFIED that a hearing will be held commencing on Monday, February 25, 2013, at 1:30 p.m., Pacific Standard Time.** The purpose of this hearing, which will include all parties, is to consider whether the OIC's Order Revoking License should be upheld, should be set aside, or should be otherwise modified in some manner less than revocation such as imposition of a fine, suspension or probation.

The OIC will appear by and through Marcia Stickler, Staff Attorney in the Legal Affairs Division. Ms. Stickler's address is Office of the Insurance Commissioner, Legal Affairs Division, P.O. Box 40255, Olympia, WA 98504-0255 and her telephone number is (360) 725-7048. The Licensee will appear pro se, although he is advised that he may retain an attorney to represent him at any time. His address is 1114 West 21st Avenuc, Spokane, WA 99203 and his telephone number is (509) 838-2747.

Patricia D. Petersen, Esq., Presiding Officer, who serves as Chief Presiding Officer for the Office of the Insurance Commissioner, has been designated to hear and determine this matter. Her address is Office of Insurance Commissioner, P.O. Box 40255, Olympia, Washington 98504-0255. Her telephone number is (360) 725-7105. All interested individuals and entities who have questions or concerns concerning this proceeding should direct them to her paralegal, Kelly Cairns, at the same address. Ms. Cairns' telephone number is (360) 725-7002.

The hearing will be held under the authority granted by the Insurance Commissioner under Chapter 48.04 RCW. The basic facts relied upon are those set forth above, which are more specifically included in the OIC's above-referenced Order Revoking License and in the Licensee's above-referenced Demand for Hearing.

The hearing will be governed by the Administrative Procedure Act, Chapter 34.05 RCW, and the model rules of procedure contained in Chapter 10-08 WAC. All parties may be represented at

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the hearing. They may examine witnesses and fully respond and present evidence and argument on all issues involved.

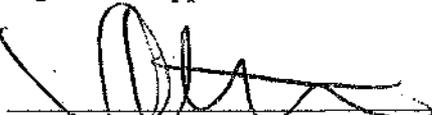
As required by RCW 34.05.434(2)(i), you are advised that a party who fails to attend or participate in any stage of the proceeding may be held in default in accordance with Chapter 34.05 RCW.

Pursuant to WAC 10-08-040(2) and in accordance with ch. 2.42 RCW, if a limited English speaking or hearing impaired or speech impaired party or witness needs an interpreter, a qualified interpreter will be appointed. There will be no cost to the party or witness therefore, except as may be provided by ch. 2.42 RCW. A Request for Interpreter form is attached to the original of this Notice, with instructions thereon.

Based upon the above activity,

IT IS HEREBY ORDERED that the adjudicative proceeding in this matter shall commence on February 25, 2013, at 1:30 p.m., Pacific Standard Time, continuing on each successive day until terminated, in the Office of the Insurance Commissioner, 5000 Capitol Blvd., Tumwater, WA.

ENTERED AT TUMWATER, WASHINGTON, this 13th day of February, 2013, pursuant to Title 48 RCW and Title 34 RCW, specifically RCW 48.04.010 and RCW 34.05.434, 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: David P. Dunning, Mike Krcidler, Deborah McCurley, John F. Hamje, Esq., Jeff Baughman, Marcia Stickler, Esq., and Carol Sureau, Esq.,

DATED this 13th day of February, 2013.



KELLY A. CAIRNS

HEARINGS UNIT
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Patricia D. Petersen
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Hearings@oic.wa.gov

To request an interpreter, complete and mail this form to:

Chief Presiding Officer
Office of Insurance Commissioner
P.O. Box 40255
Olympia, WA 98504-0255

REQUEST FOR INTERPRETER

I am a party or witness in Matter No. 12-0341, before the Insurance Commissioner. I NEED AN INTERPRETER and request that one be furnished.

Please check the statements that apply to you:

I am a non-English-speaking person. I cannot readily speak or understand the English language. My primary language is _____ (insert your primary language). I need an interpreter who can translate to and from the primary language and English.

I am unable to readily understand or communicate the spoken English language because:

- I am deaf.
- I have an impairment of hearing.
- I have an impairment of speech.

[Please state below or on the reverse side any details which would assist the Commissioner or Presiding Officer in arranging for a suitable interpreter or in providing appropriate mechanical or electronic amplification, viewing, or communication equipment.]

Date: _____

Signed: _____

Please print or type your name: _____

Address: _____

Telephone: _____