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OFFICE OF  
INSURANCE COMMISSIONER  
HEARINGS UNIT

2013 MAY -1 P 1:02

Fax: (360) 664-2782

Hearings Unit, OIC  
Patricia D. Petersen  
Kelly A. Cairns, Esq.  
Paralegal  
(360) 725-7002  
KellyC@oic.wa.gov

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. 13-0021</b>
	)	
<b>FIRST AMERICAN TITLE INSURANCE</b>	)	<b>NOTICE OF HEARING</b>
<b>COMPANY,</b>	)	
	)	
Respondent.	)	
_____	)	

**TO:** Jerry Kindinger, Esq., Counsel for Respondent  
Ryan Swanson & Cleveland  
1201 Third Avenue, Suite 3400  
Seattle, WA 98101-3034

**COPY TO:** Mike Kreidler, Insurance Commissioner  
James T. Odiorne, Chief Deputy Insurance Commissioner  
John F. Hamje, Deputy Commissioner, Consumer Protection Division  
Marcia G. Stickler, 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 March 14, 2013, the Washington State Insurance Commissioner (OIC) issued a Notice of Hearing to First American Title Insurance Company ("Respondent"). Said Notice of Hearing proposes that the OIC take disciplinary action against the Respondent for alleged violations of the Insurance Code. Specifically, as stated in the OIC's Notice of Hearing, the OIC alleges that the Respondent conducted various educational seminars in 2011 and 2012 that included topics that were not restricted solely to title insurance, title to real property and escrow topics, and which were free of charge to licensed producers of title insurance business, and thereby violated Section 284-29-235(1) of the Washington Administrative Code. The OIC further alleges that the Respondent also presented such a class to the Seattle-King County Association of Realtors free



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of charge, that said class amounted to a value exceeding \$1,000, and thereby violated WAC 284-29-220(5)(b)(i).

On April 2, 2013, the undersigned held a first prehearing conference in this matter, which included all parties. The OIC was represented by Marcia G. Stickler, Esq., Staff Attorney in the OIC's Legal Affairs Division. First American Title Insurance Company was represented by its attorney Jerry Kindinger, Esq. of Ryan Swanson & Cleveland, Seattle, Washington. The undersigned reviewed procedure to be expected at hearing and answered all questions and concerns of the parties. The parties agreed that this hearing should be held commencing on July 8, 2013.

Accordingly, **YOU ARE HEREBY NOTIFIED that a hearing will be held commencing on Monday, July 8, 2013, at 10:00 a.m., Pacific Time.** The purpose of this hearing, which will include all parties, is to consider whether the Respondent's alleged activities, set forth in the OIC's Notice of Hearing, constituted violations of the Insurance Code justifying imposition of a fine against the Respondent or some other form of disciplinary action.

The OIC will appear by and through Marcia G. Stickler, Staff Attorney in the OIC's 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. First American Title Insurance Company will be represented by its attorney Jerry Kindinger, Esq. of Ryan, Swanson & Cleveland. Mr. Kindinger's business address is 1201 Third Avenue, Suite 3400, Seattle, Washington 98101-3034 and his telephone number is (206) 654-2216.

Patricia D. Petersen, Esq., 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, at [kellyc@oic.wa.gov](mailto:kellyc@oic.wa.gov) or by telephone to (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 specifically set forth in the OIC's Notice of 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 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.

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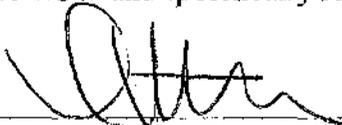
Pursuant to WAC 10-08-040(2) and in accordance with ch. 2.42 RCW, if a limited English speaking or hearing impaired or speech impaired party or witness needs an interpreter, a qualified interpreter will be appointed. There will be no cost to the party or witness therefore, except as may be provided by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

This Notice is provided pursuant to RCW 48.04.010 and RCW 34.05.434.

Based upon the above activity,

**IT IS HEREBY ORDERED** that the adjudicative proceeding in this matter shall commence on July 8, 2013, at 10:00 a.m., Pacific Time, continuing on each successive day until terminated.

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

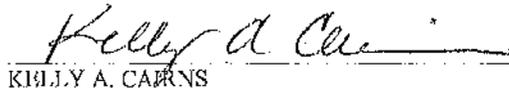


PATRICIA D. PETERSEN  
Chief Presiding Officer

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: Jerry Kindinger, Esq., Mike Kreidler, Deborah McCurley, John F. Hamje, Esq., Charles Brown, Esq., and Marcia G. Stickler, Esq.

DATED this 1<sup>st</sup> day of May, 2013.

  
KELLY A. CARNES

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**HEARINGS UNIT**

Fax: (360) 664-2782

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

Hearings Unit  
Paralegal  
(360) 725-7002  
[Hearings@oic.wa.gov](mailto: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

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**REQUEST FOR INTERPRETER**

I am a party or witness in Matter No. 13-0021, 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: \_\_\_\_\_