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OFFICE OF
INSURANCE COMMISSIONER
HEARINGS UNIT

2013 APR -1 P 1:24

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Chief Presiding Officer
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BEFORE THE STATE OF WASHINGTON
OFFICE OF INSURANCE COMMISSIONER

In the Matter of)	Docket No. 13-0043
)	
MARIA DIAZ aka MARIA A. DIAZ aka)	SUBPOENA IN AN ADMINISTRATIVE
MARIA A. DIAZ-ALVAREZ,)	HEARING
)	(COMMAND TO APPEAR)
Licensee.)	
_____)	

To: Jerry Kindinger, Attorney for Leah Miller
Ryan, Swanson & Cleveland, PLLC
1201 Third Avenue, Suite 3400
Seattle, WA 98101-3034

Leah Miller
Rainwater Insurance, Inc.
6425 South Tacoma Way
Tacoma, WA 98409

You are commanded to appear as a witness at the time, date, and place set forth below to testify at a hearing in this administrative proceeding.

DATE: Monday, April 29, 2013
TIME: 10:00 a.m., Pacific Time
PLACE: Insurance Commissioner Building, 5000 Capital Blvd., Tumwater, WA 98501. YOU MAY APPEAR BY TELEPHONE. PLEASE BE AVAILABLE TO BE REACHED BY TELEPHONE AT SPECIFIED TIME.

The name, address, e-mail and telephone number of the attorney representing the Washington Insurance Commissioner, who requests this subpoena are: Kate Reynolds, Esq., Staff Attorney, Legal Affairs Division, Office of the Insurance Commissioner, P.O. Box 40255, Olympia, WA 98501, KateR@oic.wa.gov, (360) 725-7179.

RCW 34.05.588 of the Washington Administrative Procedures Act, which relates to your duty to respond to this subpoena, and the enforcement thereof, is attached.

ENTERED AT TUMWATER, WASHINGTON, this 1st day of April, 2013.

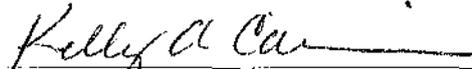


PATRICIA D. PETERSEN, J.D.
Chief Presiding Officer

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 or herein: Jerry Kindinger, Esq., Leah Miller; Maria A. Diaz-Alvarez, 2925 SW 332nd Place, Federal Way, WA 98023; Kate Reynolds, Esq., P.O. Box 40255, Olympia, WA 98504-0255.

DATED this 2nd day of April, 2013.



KELLY A. CAIRNS

RCW 34.05.588. Enforcement of agency subpoena.

(1) If a person fails to obey an agency subpoena issued in an adjudicative proceeding, or obeys the subpoena but refuses to testify or produce documents when requested concerning a matter under examination, the agency or attorney issuing the subpoena may petition the superior court of any county where the hearing is being conducted, where the subpoenaed person resides or is found, or where subpoenaed documents are located, for enforcement of the subpoena. The petition shall be accompanied by a copy of the subpoena and proof of service, shall set forth in what specific manner the subpoena has not been complied with, and shall request an order of the court to compel compliance. Upon such petition, the court shall enter an order directing the person to appear before the court at a time and place fixed in the order to show cause why the person has not obeyed the subpoena or has refused to testify or produce documents. A copy of the court's show cause order shall be served upon the person. If it appears to the court that the subpoena was properly issued, and that the particular questions the person refused to answer or the requests for production of documents were reasonable and relevant, the court shall enter an order that the person appear before the agency at the time and place fixed in the order and testify or produce the required documents, and on failing to obey this order the person shall be dealt with as for contempt of court.

(2) Agencies with statutory authority to issue investigative subpoenas may petition for enforcement of such subpoenas in accordance with subsection (1) of this section. The agency may petition the superior court of any county where the subpoenaed person resides or is found, or where subpoenaed documents are located. If it appears to the court that the subpoena was properly issued, that the investigation is being conducted for a lawfully authorized purpose, and that the testimony or documents required to be produced are adequately specified and relevant to the investigation, the court shall enter an order that the person appear before the agency at the time and place fixed in the order and testify or produce the required documents, and failing to obey this order the person shall be dealt with as for contempt of court.

(3) Petitions for enforcement of agency subpoenas are not subject to RCW 34.05.578 through 34.05.590.