



FILED

2013 APR -1 P 1:00

OFFICE OF
INSURANCE COMMISSIONER
HEARINGS UNIT

Fax: (360) 664-2782

Hearings Unit, DIC
Patricia D. Petersen
Chief
Kelly A. Cairns
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)	Docket No. 13-0069
)	
BOYS & GIRLS CLUB OF BENTON)	NOTICE OF HEARING
AND FRANKLIN COUNTIES,)	
)	
a Washington charitable organization.)	
<hr/>		

TO: Brian Ace, Executive Director
Boys & Girls Clubs of Benton and Franklin Counties
Post Office Box 1322
Pasco, WA 99301

COPY TO: Mike Kreidler, Insurance Commissioner
Deborah McCurley, Acting Chief Deputy Insurance Commissioner
James T. Odiorne, Deputy Commissioner, Company Supervision Division
Kate Reynolds, 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 February 21, 2013, the Insurance Commissioner (OIC) sent to Brian Ace, Executive Director of the Boys & Girls Clubs of Benton and Franklin Counties ("Boys & Girls Clubs" or "organization"), a Proposed Consent Order Levying a Fine, No. 13-0069. Said Proposed Consent Order proposed the imposition of a fine in the amount of \$750.00 against the Boys & Girls Clubs for the organization's failure to submit its Annual Report and Actuarial Certification concerning its charitable gift annuities in a timely manner. In response to the proposed Consent Order, the Boys & Girls Clubs filed a Demand for Hearing with the OIC on March 4, 2013. The organization requests a hearing in order to explain the circumstances of the alleged violation and contest the severity of the proposed fine.

NOTICE OF HEARING

13-0069

Page - 2

On March 19, 2013, the undersigned held a first prehearing conference in this matter, which included all parties. The OIC was represented by Kate Reynolds, Esq., Staff Attorney in the OIC's Legal Affairs Division. Brian Ace, Executive Director appeared on behalf of the Boys & Girls Clubs. The undersigned reviewed procedure to be expected at hearing and answered all questions and concerns of the parties. Mr. Ace requested to appear at the hearing by telephone, and the OIC advised that it does not object to this request; therefore, pursuant to the Boys & Girls Clubs' request, OIC's advice that it did not object, and the undersigned's determination that it will not prejudice a party and that each party will have the opportunity to participate effectively in the proceeding, the hearing herein shall be held with both parties appearing by telephone as authorized by RCW 34.05.449(3) and WAC 10-08-180(1).

Accordingly, **YOU ARE HEREBY NOTIFIED that a hearing will be held commencing on Wednesday, April 17, at 10:00 a.m., Pacific Time, by telephone.** The purpose of this hearing, which will include all parties, is to consider whether the Boys & Girls Clubs has violated the insurance code warranting the imposition of a civil fine against the organization, or some other form of disciplinary action. The OIC will appear by and through Kate Reynolds, Staff Attorney in the Legal Affairs Division. Ms. Reynolds' address is Office of the Insurance Commissioner, Legal Affairs Division, P.O. Box 40255, Olympia, WA 98504-0255 and her telephone number is (360) 725-7179. Brian Ace, Executive Director, will appear on behalf of the Boys & Girls Clubs, although he is advised that he may retain an attorney to represent the organization at any time. The Boys and Girls Clubs address is Post Office Box 1322, Pasco, WA 99301 and Mr. Ace's email address is brian.ace@kidexpert.org.

Patricia D. Petersen, J.D., 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 to be relied upon by the OIC are included in the OIC's above referenced Proposed Consent Order Levying a Fine and are summarized above. The basic facts to be relied upon by the Boys and Girls Clubs are as outlined in its Demand for Hearing and summarized above.

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.

NOTICE OF HEARING

13-0069

Page - 3

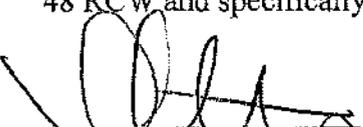
As required by RCW 34.05.434(2)(i), you are advised that a party who fails to attend or participate in any stage of the proceeding may be held in default in accordance with Chapter 34.05 RCW.

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 April 17, 2013, at 10:00 a.m. Pacific Time, by telephone, in the Office of the Insurance Commissioner, 5000 Capitol Blvd., Tumwater, WA.

ENTERED AT TUMWATER, WASHINGTON, this 1st 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, LD.
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: Brian Ace, Executive Director, Mike Kreidler, Deborah McCurley, James T. Odiorne, Kate Reynolds, Esq., and Carol Sureau, Esq.,

DATED this 1st day of April, 2013.



KELLY A. CAIRNS

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

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. 13-0069, 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: _____