



OFFICE OF  
INSURANCE COMMISSIONER

FILED

2013 APR 17 P 2:12

Hearings Unit, DIC  
Room 4000, 5th Floor  
Chief Hearing Officer

In Re the Matter of

RICHARD A. CARTUYVELLES,

Respondent

NO. 13-0076

NOTICE OF HEARING

**TO:** Richard A. Cartuyvelles  
4912 Clover Pine Drive  
Greenville, Indiana 47124

Richard A. Cartuyvelles  
6280 E. Highway 62  
Jeffersonville, Indiana 47130

The Honorable Mike Kreidler, Insurance Commissioner of the State of Washington, proposes disciplinary action against you and hereby issues this Notice of Hearing. The Insurance Commissioner submits the following as the basis of this Notice of Hearing in accordance with RCW 48.04.010.

**1. PARTIES AND JURISDICTION**

1.1 Pursuant to the Insurance Code, Title 48 RCW, the Insurance Commissioner is authorized to regulate the business of insurance and enforce the insurance laws of Washington State in order to protect the public interest.

1.2 Richard A. Cartuyvelles ("Cartuyvelles" or "the Licensee") is licensed as a nonresident producer and, therefore, is subject to Title 48 RCW and Chapter 284 WAC.

1.3 Jurisdiction and venue are appropriate under, among other provisions, RCW 48.02.060, RCW 48.17.560, and RCW 48.04.010.

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## 2. FACTS

2.1 Cartuyvelles applied for a non-resident disability producer license from the OIC on August 24, 2012. He is an Indiana resident and is licensed in 27 other states. To the application question regarding criminal convictions, Cartuyvelles answered "no." A license was issued that same day.

2.2 On January 15, 2013, the OIC received a "reporting action" through NIPR that showed that Cartuyvelles had been convicted of a class D felony for possession of a controlled substance in 2007. He also had several probation violations connected with the conviction. Upon inquiry, Cartuyvelles explained that he believed that since the matter had been concluded, he didn't need to disclose the conviction.

2.3 On February 28, 2013, the OIC sent a Consent Order levying a fine of \$500 to Cartuyvelles. The deadline for a response was set at March 21, 2013. Cartuyvelles was informed that the offer of settlement would be withdrawn should he fail to enter into and return the signed Consent Orders. As of April 17, 2013, the OIC has not received any responses to its Consent Order, emails or voicemail to Cartuyvelles.

## 3. APPLICABLE LAW AND ALLEGED VIOLATIONS

3.1 By providing incorrect, misleading, incomplete, or materially untrue information in his license application, and failing to disclose his felony conviction, Cartuyvelles violated RCW 48.17.530(1)(a) and RCW 48.17.530(1)(d), respectively.

3.2 By failing to timely respond to an inquiry of the Commissioner, Cartuyvelles violated RCW 48.17.475. RCW 48.17.530(1)(b) provides that the Commissioner may suspend, revoke, or refuse to renew the license of a producer for violating any insurance laws.

3.3 RCW 48.17.560 states that after a hearing or upon stipulation by the licensee or insurance education provider, and in addition to or in lieu of suspension, revocation, or refusal to renew any Notice of Hearing

such license or insurance education provider approval, the Commissioner may levy upon the licensee or insurance education provider a fine of not more than \$1,000 per violation of the insurance code.

#### 4.. SANCTIONS REQUESTED

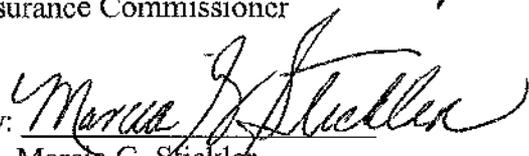
Pursuant to RCW 48.17.560, the Commissioner seeks revocation of Cartuyvelles producer license and/or imposition of a fine in an amount to be determined at hearing.

#### 5. NOTICE OF HEARING

The Commissioner will convene a hearing at a date, location, and time to be determined, to consider the allegations above and the sanctions to be imposed upon Cartuyvelles pursuant to RCW 48.04.010 and RCW 48.17.560. At the hearing, the Commissioner will present evidence showing that Cartuyvelles violated a statute effectuated by the Commissioner pursuant to his authority under RCW 48.02.060, and that the sanction requested above is authorized under the law. Cartuyvelles may cross-examine the Commissioner's witnesses and present any defenses, evidence, or arguments it may have in opposition.

Dated this 17<sup>th</sup> day of April, 2013.

MIKE KREIDLER  
Insurance Commissioner

By:   
Marcia-G. Stickler  
Staff Attorney  
Legal Affairs Division

CERTIFICATE OF SERVICE

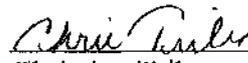
The undersigned certifies under the penalty of perjury under the laws of the State of Washington that I am now and at all times herein mentioned, a citizen of the United States, a resident of the State of Washington, over the age of eighteen years, not a party to or interested in the above-entitled action, and competent to be a witness herein.

On the date given below I caused to be served the foregoing NOTICE OF HEARING on the following individuals in the manner indicated:

Richard A. Cartuyvelles	and	Richard A. Cartuyvelles
4912 Clover Pine Drive		6280 E. Highway 62
Greenville, Indiana 47124		Jeffersonville, Indiana 47130
(XXX) Via U.S. Mail		(XXX) Via U.S. Mail

Patricia Peterson, J.D., Chief Hearing Officer  
Washington State Insurance Commissioner  
5000 Capitol Blvd  
Tumwater, WA 98501  
(XXX) Via Hand Delivery

SIGNED this 17<sup>th</sup> day of April, 2013, at Tumwater, Washington.

  
Christine Tribe