

MIKE KREIDLER
STATE INSURANCE COMMISSIONER

STATE OF WASHINGTON



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OFFICE OF
INSURANCE COMMISSIONER
HEARINGS UNIT

2013 OCT 21 P 2:01

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Chief Presiding Officer
(360) 725-7105

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

In the Matter of)	Docket No. 13-0108
)	
CHARLES D. OLIVER, AMERICAN)	NOTICE OF HEARING
EQUITY ADVISORY GROUP, LLC,)	
and "THE CHUCK OLIVER TEAM,")	
)	
Respondents.)	

TO: Jerry Kindinger, Esq.
Gulliver A. Swenson, Esq.
Ryan, Swanson & Cleveland, PLLC
1201 Third Avenue, Suite 3400
Seattle, WA 98101-3034

COPY TO: Mike Kreidler, Insurance Commissioner
James T. Odiorne, J.D., CPA, Chief Deputy Insurance Commissioner
John F. Hamjc, Deputy Commissioner, Consumer Protection Division
Andrea Philhower, Staff Attorney, Legal Affairs Division
AnnaLisa Gellermann, Esq. Deputy Commissioner, Legal Affairs Division
Office of the Insurance Commissioner
PO Box 40255
Olympia, WA 98504-0255

On April 4, 2013, the Washington State Insurance Commissioner ("OIC") entered an Order to Cease and Desist against Charles D. Oliver, American Equity Advisory Group, LLC, and "The Chuck Oliver Team" (collectively, the Respondents), effective immediately. The OIC order is based on allegations that (1) the Respondents are not licensed in the State of Washington to market, solicit, sell or deliver any insurance products, nor are they appointed by an authorized insurer to do so; (2) Respondents marketed and sold life insurance products (including an



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annuity) to a particular Washington resident that were unsuitable for this consumer; (3) Respondents marketed and sold the insurance products in a manner that was deceptive and misleading; (4) the Respondents induced this Washington resident to cross state borders in order to sell the annuity which was not approved for sale in Washington; and (5) the Respondents failed to complete the required replacement form related to the above-identified transactions.

On May 21, Charles D. Oliver, American Equity Advisory Group, LLC, and "The Chuck Oliver Team" (collectively, the Respondents), by and through their attorney, Jerry Kindinger, Esq. of Ryan, Swanson & Cleveland, PLLC in Seattle, filed a Demand for Hearing. Said Demand for Hearing states that the Respondents, *being aggrieved by the acts and threatened acts of the OIC's Order to Cease and Desist No. 13-0108 dated April 4, 2013 hereby demand a hearing in accordance with the provisions of Chapter 48.04 RCW and Title 34 RCW.*

On June 12, 2013, the undersigned held a first prehearing conference in this matter, which included all parties. The OIC was represented by Andrea Philhower, Esq., Staff Attorney in the OIC's Legal Affairs Division. The Respondents were represented by their attorney, Jerry Kindinger, Esq. of Ryan, Swanson & Cleveland PLLC, Seattle, Washington. The undersigned reviewed procedure to be expected at hearing and answered all questions and concerns of the parties. The parties have agreed that this hearing should be held commencing on December 10, 2013.

Accordingly, **YOU ARE HEREBY NOTIFIED that a hearing will be held commencing on Tuesday, December 10, 2013, at 10:00 a.m., Pacific Standard Time.** The purpose of this hearing, which will include all parties, is to consider whether the OIC's Order to Cease and Desist should be upheld, set aside or modified in any way.

The OIC will appear by and through Andrea Philhower, Staff Attorney in the OIC's Legal Affairs Division. Ms. Philhower'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) 725-7063. The Respondents will appear and will be represented by their attorneys Jerry Kindinger, Esq. and Gulliver A. Swenson, Esq. of Ryan, Swanson & Cleveland, PLLC. Mr. Kindinger and Mr. Swenson's business address is 1201 Third Avenue, Suite 3400, Seattle, WA 98101-3034, and their telephone number is (206) 464-4224.

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 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 Order to Cease and Desist and the Respondents' Demand for Hearing.

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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.

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 December 10, 2013, at 10:00 a.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 21st day of October, 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., Gulliver A. Swenson, Esq., Mike Kreidler, James T. Odiorne, John F. Hamje, Esq., AnnaLisa Gellermann, Esq., and Andrea Philhower, Esq.

DATED this 22nd day of October 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. 13-0108, 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: _____