

**FILED**

2013 SEP -5 A 8:30

BEFORE THE STATE OF WASHINGTON  
OFFICE OF INSURANCE COMMISSIONER

Hearings Unit, DIC  
Patricia D. Petersen  
Chief Hearing Officer

In the Matter of  
**MILLIE COSTAGE,**  
  
Applicant.

**Docket No. 13-0119**  
**OIC MOTION TO COMPEL**

**I. RELIEF REQUESTED**

OIC requests an order compelling the applicant, Millie Costage, to provide full and complete answers and responses to interrogatories and requests for production by a date certain, or else she will be precluded from presenting any documents, and from presenting testimony from any witnesses, other than herself, at hearing.

**II. FACTS <sup>1</sup>**

In May of 2013, the undersigned OIC staff asked Ms. Costage for copies of all exhibits and to identify all witnesses she reserved the right to present at hearing. Though the hearing was to have occurred in June, Ms. Costage failed to respond and failed to produce what was requested. The day before the hearing, Ms. Costage e-mailed to say she wouldn't be able to make it. The hearing was rescheduled to July to accommodate Ms. Costage.

Through June and July of 2013, the undersigned OIC staff continued to ask Ms. Costage for copies of all exhibits and to identify all witnesses she reserved the right to present at hearing. Ms. Costage again failed to respond and again failed to produce what was requested.

---

<sup>1</sup> The facts set forth derive from the Declaration of Alan Michael Singer filed herewith.

1 On July 10, 2013 the undersigned OIC staff filed a request for continuance that asked  
2 to compel Ms. Costage to produce her hearing exhibits and to identify her potential hearing  
3 witnesses. Ms. Costage never responded to OIC's motion and failed to participate in the July  
4 15, 2013 telephone hearing held for that request and motion. As detailed in the subsequent  
5 July 17, 2013 notice of hearing,

6 Kelly Cairns, Paralegal to the undersigned, informed Ms. Costage of the OIC's Motion  
7 and the scheduled second prehearing conference a total of at least three times by  
8 telephone message left at her telephone number on file, as well as at least two times by  
9 email. In addition, as set forth in the OIC's Request for Continuance and Declaration  
of Alan Michael Singer in support thereof, which were both filed July 10, the OIC  
attempted to contact Ms. Costage as well, with no result after the OIC filed its  
Request.

10 Thereafter, on July 17 at 10:00 a.m., the date originally scheduled for the hearing but  
11 changed per advice to Ms. Costage to be a prehearing teleconference which would not  
12 require her to be present in Olympia, despite several telephone messages and emails  
left with her, Ms. Costage failed to appear at the second prehearing teleconference.  
After allowing twenty minutes for her to appear, the undersigned commenced the  
prehearing conference at 10:20 a.m. with Mr. Singer appearing on behalf of the OIC.  
It was agreed that the hearing of this matter should be held on September 18, 2013.  
13 [...]

14 **As required by RCW 34.05.434(2)(i), you are advised that a party who fails to**  
15 **attend or participate in any stage of the proceeding may be held in default in**  
16 **accordance with Chapter 34.05 RCW. The undersigned will not reschedule this**  
17 **hearing date absent unforeseeable reasons which will not include Ms. Costage's**  
**work schedule again or other foreseeable conflicts.**

18 Six days later, Ms. Costage was again asked to produce copies of all exhibits and to  
19 identify all witnesses she reserved the right to present at hearing. This time, the request was  
20 made via formal discovery – interrogatories and requests for production sent to Ms. Costage  
by both e-mail and U.S. Mail on July 23, 2013. Ms. Costage again failed to respond.

21 On August 23, 2013, the undersigned wrote Ms. Costage an e-mail that stated:

22 I have heard nothing from you in the past month. I have also not received your answer  
23 and responses to the First Interrogatories and Requests for Production. Please advise  
whether you are still pursuing this matter. I have asked you this before and never

1 received any reply. If you are withdrawing your appeal, please write to Kelly Cairns  
2 to advise of this. Please let me know as soon as possible.

3 Ms. Costage never responded to this e-mail. She never responded to or acknowledged receipt  
4 of the formal discovery. On September 4, 2013, the undersigned wrote Ms. Costage a final e-  
5 mail that stated:

6 I still have not received any reply from you to my below e-mail.

7 Please be advised that the answers and responses to the interrogatories and requests for  
8 production that were mailed and e-mailed to you on 7/23/13 were due on 8/23/13. As  
9 of this writing, we have not received your answers to that request or the requested  
10 documentation. You have repeatedly failed to respond to my e-mails. I also tried  
11 telephoning you at the telephone number on your hearing demand, (425) 327-8291,  
12 and left a message asking you to return my call about this matter. As of the time of  
13 this message, you have failed to return my call. If you have not provided all requested  
14 information and documentation by the close of business today, I will be filing a  
15 Motion to Compel with reference to this matter.

16 Thank you for your prompt attention to this matter. If you have any questions  
17 regarding this correspondence, please contact my office at (360) 725-7046.

18 Aside from the June 24, 2013 and June 30, 2013 e-mails detailed in OIC's July 10,  
19 2013 request for continuance and motion to compel, Ms. Costage never responded to any of  
20 the numerous requests that she produce copies of all exhibits and identify all witnesses she  
21 reserves the right to present at hearing.

### 22 **III. ARGUMENT AND AUTHORITY**

23 When OIC staff initially used informal discovery to request relevant information for  
the June hearing, Ms. Costage failed to provide the information requested. At the last  
moment before the hearing, she disclosed she wouldn't be able to make it after all and asked  
for it to be rescheduled. The hearing was rescheduled to a date in July, and through June and  
July OIC staff continued to try to use informal discovery to obtain Ms. Costage's hearing  
exhibits and witnesses. Ms. Costage still failed to provide this. After all informal discovery  
efforts failed, OIC staff sought relief through a motion to compel. Ms. Costage failed to  
respond to the motion, failed to participate in the hearing on the motion, and even failed to

1 return telephone messages about the same. Six days after the hearing was continued to  
2 September 18, OIC staff engaged formal discovery, issuing interrogatories and requests for  
3 production to Ms. Costage on July 23. Once again, Ms. Costage failed to respond. When a  
4 party fails to answer an interrogatory or fails to respond to a request for production, an order  
5 compelling discovery may enter. CR 37(a). Such an order should enter here.

6 DATED this 5<sup>th</sup> day of September, 2013.

7 OFFICE OF INSURANCE COMMISSIONER

8 By: 

9 Alan Michael Singer  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

BEFORE THE STATE OF WASHINGTON  
OFFICE OF INSURANCE COMMISSIONER

FILED

In the Matter of

Docket No. 13-0119 2013 SEP -5 A 8:30

**MILLIE COSTAGE,**

**SECOND DECLARATION OF  
ALAN MICHAEL SINGER**  
Hearings Unit, DIC  
Pamela D. Peterson  
Chief Hearing Officer

Licensee.

I, Alan Michael Singer, state and declare as follows:

1. My name is Alan Singer. I am employed by the Washington State Office of the Insurance Commissioner (herein "OIC"). My job title is Staff Attorney. I make this Declaration based on personal knowledge. I am over the age of eighteen (18) years. I am competent and authorized to testify to the matters set forth herein.

2. On July 23, 2013, I provided the applicant in this matter, Millie Costage, with interrogatories and requests for production, both via e-mail and via U.S. mail. A true and correct copy of the e-mail with the attached interrogatories and requests for production is attached and incorporated herein as "**Attachment A.**"

3. A true and correct copy of an August 23, 2013 e-mail I sent to Ms. Costage is attached and incorporated herein as "**Attachment B.**"

4. On September 4, 2013, I tried reaching Ms. Costage by telephone. I called Ms. Costage at the telephone number on her hearing demand, (425) 327-8291. I left a detailed message about the overdue answers to interrogatories and responses to requests for production, the need to notify OIC if she was not pursuing her hearing request, and the need to call me immediately. I asked her to call me back. She never called back. A true and correct copy of a September 4, 2013 e-mail I sent her about this is attached and incorporated herein as "**Attachment C.**"

5. Aside from the June 24, 2013 and June 30, 2013 e-mails detailed in OIC's July 10, 2013 request for continuance and motion to compel, Ms. Costage never responded to any of

1 the numerous requests that she produce copies of all exhibits and identify all witnesses she  
2 reserves the right to present at hearing. As of the date of this declaration, I have received  
3 nothing further from Ms. Costage.

4 I declare under penalty of perjury under the laws of the State of Washington that the  
5 foregoing is true and correct.

6 EXECUTED this 5<sup>th</sup> day of September, 2013 at Tom water,  
7 Washington.

8   
9 \_\_\_\_\_  
10 Alan Michael Singer

# IN RE MILLIE COSTAGE 13-0119

ATTACHMENT A TO THE SEPTEMBER 5, 2013 SECOND DECLARATION OF ALAN MICHAEL SINGER

## **Singer, Alan (OIC)**

---

**From:** Singer, Alan (OIC)  
**Sent:** Tuesday, July 23, 2013 3:40 PM  
**To:** 'Millie Costage'  
**Cc:** Tribe, Christine (OIC)  
**Subject:** 7-22-13 First Interrogatories and Requests for Production to Millie Costage.pdf  
**Attachments:** 7-22-13 First Interrogatories and Requests for Production to Millie Costage.pdf

Hi Millie,

Attached please find OIC's first interrogatories and requests for production. Please answer and respond to them and produce the documents requested as soon as possible.

If you have questions, please let me know.

Thanks,

Alan

### **Alan Michael Singer**

Staff Attorney, Legal Affairs

Washington State Office of the Insurance Commissioner

PO Box 40255

Olympia, WA 98504-0255

360.725.7046 | 360.586.0152 (fax) | [alans@oic.wa.gov](mailto:alans@oic.wa.gov) | [www.insurance.wa.gov](http://www.insurance.wa.gov)

• [wainsurance.blogspot.com](http://wainsurance.blogspot.com) • [Twitter: @WAinsuranceblog](https://twitter.com/WAinsuranceblog) • [Facebook.com/WSOIC](https://www.facebook.com/WSOIC) •



OFFICE OF  
INSURANCE COMMISSIONER

BEFORE THE STATE OF WASHINGTON  
OFFICE OF INSURANCE COMMISSIONER

In the Matter of	)	Docket No. 13-0119
	)	
<b>MILLIE COSTAGE,</b>	)	<b>FIRST INTERROGATORIES AND</b>
	)	<b>REQUESTS FOR PRODUCTION</b>
Applicant.	)	

TO: Millie Costage  
632 75<sup>th</sup> Street SE #1  
Everett, WA 98203  
[millie.costage@gmail.com](mailto:millie.costage@gmail.com)

Procedures and Definitions

A. *Procedures:* Please complete the answers within the space provided. If needed, add additional pages. Within the time the Washington Civil Rules for Superior Court permit, return one copy of responsive documents to the office of the undersigned attorney together with copies of documents requested. In the space provided, please sign your name to attest to your answers and responses, before a notary public, as indicated herein.

B. *Scope of Answers:* By any use of the pronoun "you" and "your" anywhere herein, it is intended that the answers and responses to these interrogatories and requests for production are to include all information known to you, and also to your agents and attorneys, including your attorney's agents and investigators, and any accountants, appraisers, and employees.

C. *Document:* As used herein, the word "document" shall mean the original and any copy, regardless of origin or location, of any book, pamphlet, periodical, letter, memorandum, telegram, report, record, study, handwritten note, map, drawing, working paper, chart, paper, graph, index, tape, data sheet or data processing card, or any other written, recorded transcribed, punched, taped, filmed, or graphic matter, however produced or reproduced, to which you have or have had access.

D. *Continuing in Nature:* The interrogatories and requests for production that follow herein shall be deemed to be continuing. This means that, in the event that you discover additional information that is responsive to any of these interrogatories and requests for production after you have provided your answers and responses, upon receipt or discovery of that information, you are to



promptly provide the undersigned with such information and with amended answers and responses to these interrogatories and requests for production reflecting such information. If you received or discover additional responsive information between the time of making these answers and responses and the time of hearing, these interrogatories and requests for production are also directed to that information as well. If such information is not furnished, the undersigned reserves the right to move and request to exclude from evidence any information requested and not furnished.

*E. Numbers:* Please ensure that you number all answers to interrogatories consecutively. Please identify all documents which respond to each request for production.

*F. Identify or Identity:*

1. *Person:* As used herein, "identify" or "identity" used in reference to an individual person means to state his or her full name, present address, telephone number, present or last known position or business affiliation, position, and business affiliation at the time in question.

2. *Document:* "Identify" or "identity" when used in reference to a document means to state the date and author, type of document (e.g., identifying it), and its present location or custodian. If any such document was, but is no longer in your possession or subject to your control, state what disposition was made of it.

3. *Account:* "Identify" or "identity" when used in reference to an account means to state the name, address and telephone number of the institution, person, or other entity holding, associated with, or creating the account, the type of account, the date of the account's creation, the identity of the person or persons authorized to access, use, or control funds in the account, and the account's location or custodian. If any such account was, but is no longer in existence, state what disposition was made of it.

DATED this 22<sup>nd</sup> day of July, 2013.



---

Alan Michael Singer  
Staff Attorney  
Legal Affairs Division  
Office of Insurance Commissioner

## FIRST INTERROGATORIES

INTERROGATORY NO. 1. Please provide the details of your employment history for the past five years, identifying by name, telephone number and address each of your prior employers and your job duties, including your current employer and your current job duties. For each position held, please explain the reasons for leaving that position. If you were let go, laid off, fired, or otherwise terminated from a job or position, please so state and explain what happened. Please include all your experience in the insurance industry.

ANSWER:

INTERROGATORY NO. 2. Please identify your current residential address, the length of time you have been living there, your prior residential addresses for the past five years, and any evictions. If you have ever been evicted, please indicate where and when this occurred, and the reasons for any and all evictions.

ANSWER:

INTERROGATORY NO. 3. Identify your probation officer(s) and parole officer(s) by name, telephone number, and place of employment. Please indicate whether you have ever received a full pardon or other type of pardon for any of your criminal convictions. Please disclose whether you have paid all court costs, fees, fines, and restitution that has been ordered against you as a result of any and all criminal convictions within your history of criminal convictions. If you have outstanding monies owed, or never paid monies owed, please so state and disclose the unpaid amounts.

ANSWER:

INTERROGATORY NO. 4. Do you have a job or position in the insurance industry, including work in or with any insurer or insurance agency, or do you have plans to obtain one? Please provide a job description for such planned work or present work, and please indicate the insurance activities you plan to engage in. If you plan to contract or have already contracted to work in the insurance industry, please provide a copy of that contract.

ANSWER:

INTERROGATORY NO. 5. Please identify the name, address, telephone number and e-mail address of any person you plan to ask to testify or reserve the right to ask to testify on your behalf in this matter. For each, indicate the length of time they have known you, and in what capacity.

ANSWER:

INTERROGATORY NO. 6. Please indicate all professional licenses you have ever applied for or have ever held. If you have ever applied for any professional licenses but were denied, please disclose those. For any professional licenses you have ever held, please identify all consumer complaints and indicate whether you have been the subject of any consumer complaints.

ANSWER:

INTERROGATORY NO. 7. Please provide the details of your education history, including names, addresses, and dates of all schools you have attended, diplomas and degrees earned, honors or awards earned, and your grade point averages and class rank. If you have ever been expelled from school or the subject of disciplinary action for misconduct in a school, please disclose when this occurred, where, and the reasons.

ANSWER:

INTERROGATORY NO. 8. Please relate your history of marital and family status, including a statement whether any relatives by blood or marriage are, to your knowledge, currently serving in any capacity with any insurer or insurance agency. Please also include a statement of your net worth and solvency (i.e., a summary of your assets and liabilities), and disclose any bankruptcies.

ANSWER:

INTERROGATORY NO. 9. Please identify your current telephone number where you may be reached.

ANSWER:

INTERROGATORY NO. 10. If you have used other names or social security numbers than the ones submitted in your application for an insurance producer license, please indicate each name and number, and the dates used.

ANSWER:

INTERROGATORY NO. 11. Please disclose all evidence of your rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs. Please provide copies of all recommendations from (a) prosecutors, law enforcement officers, or correctional officers who have prosecuted, arrested, or had custodial responsibility for you, and from (b) the sheriff or chief of police in your community where you live or have lived.

ANSWER:

INTERROGATORY NO. 12. Please identify all alcohol and substance abuse treatment and counselors you have ever seen, including the date or periods when such treatment or counseling was received, up to and including the present. Please provide the circumstances that led to all such treatment and counseling, for example, whether such was court-ordered.

ANSWER:

## FIRST REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1. Please produce true and correct copies of all documents responsive to interrogatory number 4.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2. Please produce true and correct copies of all documents and exhibits you plan or reserve the right to offer into evidence in this matter, including at any hearing in this matter.

RESPONSE:

REQUEST FOR PRODUCTION NO. 3. Please produce true and correct copies of all licenses identified in response to interrogatory number 6.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4. Please produce true and correct copies of all recommendations identified in response to interrogatory number 11.

RESPONSE:

As to objections, if any:

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

By \_\_\_\_\_

STATE OF \_\_\_\_\_ }  
COUNTY OF \_\_\_\_\_ } ss.

Millie Costage, being first duly sworn, on oath deposes and says: That I have made the foregoing answers to interrogatories and responses to requests for production, know the contents thereof, and believe same to be true and complete.

\_\_\_\_\_  
Millie Costage

SUBSCRIBED AND SWORN TO before me this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
(Signature of Notary)

\_\_\_\_\_  
(Print or stamp name of Notary)

NOTARY PUBLIC in and for the State of \_\_\_\_\_

Residing at \_\_\_\_\_

My Appointment Expires: \_\_\_\_\_

# IN RE MILLIE COSTAGE 13-0119

ATTACHMENT B TO THE SEPTEMBER 5, 2013 SECOND DECLARATION OF ALAN MICHAEL SINGER

## Singer, Alan (OIC)

---

**From:** Singer, Alan (OIC)  
**Sent:** Friday, August 23, 2013 10:06 AM  
**To:** 'Millie Costage'  
**Cc:** Tribe, Christine (OIC)  
**Subject:** RE: 7-22-13 First Interrogatories and Requests for Production to Millie Costage.pdf

Hi Millie,

I have heard nothing from you in the past month. I have also not received your answer and responses to the First Interrogatories and Requests for Production. Please advise whether you are still pursuing this matter. I have asked you this before and never received any reply. If you are withdrawing your appeal, please write to Kelly Cairns to advise of this. Please let me know as soon as possible.

Alan

### Alan Michael Singer

Staff Attorney, Legal Affairs  
Washington State Office of the Insurance Commissioner  
PO Box 40255  
Olympia, WA 98504-0255  
360.725.7046 | 360.586.0152 (fax) | [alans@oic.wa.gov](mailto:alans@oic.wa.gov) | [www.insurance.wa.gov](http://www.insurance.wa.gov)  
• [wainsurance.blogspot.com](http://wainsurance.blogspot.com) • [Twitter: @WAinsuranceblog](https://twitter.com/WAinsuranceblog) • [Facebook.com/WSOIC](https://www.facebook.com/WSOIC) •

---

**From:** Singer, Alan (OIC)  
**Sent:** Tuesday, July 23, 2013 3:40 PM  
**To:** 'Millie Costage'  
**Cc:** Tribe, Christine (OIC)  
**Subject:** 7-22-13 First Interrogatories and Requests for Production to Millie Costage.pdf

Hi Millie,

Attached please find OIC's first interrogatories and requests for production. Please answer and respond to them and produce the documents requested as soon as possible.

If you have questions, please let me know.

Thanks,

Alan

### Alan Michael Singer

Staff Attorney, Legal Affairs  
Washington State Office of the Insurance Commissioner  
PO Box 40255  
Olympia, WA 98504-0255  
360.725.7046 | 360.586.0152 (fax) | [alans@oic.wa.gov](mailto:alans@oic.wa.gov) | [www.insurance.wa.gov](http://www.insurance.wa.gov)  
• [wainsurance.blogspot.com](http://wainsurance.blogspot.com) • [Twitter: @WAinsuranceblog](https://twitter.com/WAinsuranceblog) • [Facebook.com/WSOIC](https://www.facebook.com/WSOIC) •

# IN RE MILLIE COSTAGE 13-0119

ATTACHMENT C TO THE SEPTEMBER 5, 2013 SECOND DECLARATION OF ALAN MICHAEL SINGER

**Singer, Alan (OIC)**

---

**From:** Singer, Alan (OIC)  
**Sent:** Wednesday, September 04, 2013 10:04 AM  
**To:** 'Millie Costage'  
**Cc:** Tribe, Christine (OIC)  
**Subject:** RE: 7-22-13 First Interrogatories and Requests for Production to Millie Costage.pdf

Hi Millie,

I still have not received any reply from you to my below e-mail.

Please be advised that the answers and responses to the interrogatories and requests for production that were mailed and e-mailed to you on 7/23/13 were due on 8/23/13. As of this writing, we have not received your answers to that request or the requested documentation. You have repeatedly failed to respond to my e-mails. I also tried telephoning you at the telephone number on your hearing demand, (425) 327-8291, and left a message asking you to return my call about this matter. As of the time of this message, you have failed to return my call. If you have not provided all requested information and documentation by the close of business today, I will be filing a Motion to Compel with reference to this matter.

Thank you for your prompt attention to this matter. If you have any questions regarding this correspondence, please contact my office at (360) 725-7046.

Alan

**Alan Michael Singer**

Staff Attorney, Legal Affairs  
Washington State Office of the Insurance Commissioner  
PO Box 40255  
Olympia, WA 98504-0255  
360.725.7046 | 360.586.0152 (fax) | [alans@oic.wa.gov](mailto:alans@oic.wa.gov) | [www.insurance.wa.gov](http://www.insurance.wa.gov)  
• [wainsurance.blogspot.com](http://wainsurance.blogspot.com) • Twitter: [@WAInsuranceblog](https://twitter.com/WAInsuranceblog) • [Facebook.com/WSOIC](https://www.facebook.com/WSOIC) •

---

**From:** Singer, Alan (OIC)  
**Sent:** Friday, August 23, 2013 10:06 AM  
**To:** 'Millie Costage'  
**Cc:** Tribe, Christine (OIC)  
**Subject:** RE: 7-22-13 First Interrogatories and Requests for Production to Millie Costage.pdf

Hi Millie,

I have heard nothing from you in the past month. I have also not received your answer and responses to the First Interrogatories and Requests for Production. Please advise whether you are still pursuing this matter. I have asked you this before and never received any reply. If you are withdrawing your appeal, please write to Kelly Cairns to advise of this. Please let me know as soon as possible.

Alan

**Alan Michael Singer**

Staff Attorney, Legal Affairs  
Washington State Office of the Insurance Commissioner  
PO Box 40255

Olympia, WA 98504-0255

360.725.7046 | 360.586.0152 (fax) | [alans@oic.wa.gov](mailto:alans@oic.wa.gov) | [www.insurance.wa.gov](http://www.insurance.wa.gov)

• [wainsurance.blogspot.com](http://wainsurance.blogspot.com) • Twitter: [@WAinsuranceblog](https://twitter.com/WAinsuranceblog) • Facebook.com/WSOIC •

---

**From:** Singer, Alan (OIC)

**Sent:** Tuesday, July 23, 2013 3:40 PM

**To:** 'Millie Costage'

**Cc:** Tribe, Christine (OIC)

**Subject:** 7-22-13 First Interrogatories and Requests for Production to Millie Costage.pdf

Hi Millie,

Attached please find OIC's first interrogatories and requests for production. Please answer and respond to them and produce the documents requested as soon as possible.

If you have questions, please let me know.

Thanks,

Alan

**Alan Michael Singer**

Staff Attorney, Legal Affairs

Washington State Office of the Insurance Commissioner

PO Box 40255

Olympia, WA 98504-0255

360.725.7046 | 360.586.0152 (fax) | [alans@oic.wa.gov](mailto:alans@oic.wa.gov) | [www.insurance.wa.gov](http://www.insurance.wa.gov)

• [wainsurance.blogspot.com](http://wainsurance.blogspot.com) • Twitter: [@WAinsuranceblog](https://twitter.com/WAinsuranceblog) • Facebook.com/WSOIC •