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OFFICE OF
INSURANCE COMMISSIONER
HEARINGS UNIT

Fax: (360) 664-2782

Patricia D. Petersen
Chief Presiding Officer
(360) 725-7105

Hearings Unit, DIC
Paralegal
KellyC@oic.wa.gov
(360) 725-7002

BEFORE THE STATE OF WASHINGTON
OFFICE OF INSURANCE COMMISSIONER

In the Matter of)	Docket No. 13-0119
)	
MILLIE COSTAGE,)	NOTICE OF HEARING
)	
Applicant.)	
_____)	

TO: Millie Costage
632 75th Street SE #1
Everett, WA 98203

COPY TO: Mike Kreidler, Insurance Commissioner
James T. Odiorne, Chief Deputy Insurance Commissioner
John F. Hamje, Deputy Commissioner, Consumer Protection Division
Jeff Baughman, Licensing Manager, Consumer Protection Division
Alan Michael Singer, Staff Attorney, Legal Affairs Division
AnnaLisa Gellermann, Deputy Commissioner, Legal Affairs Division
Office of the Insurance Commissioner
PO Box 40255
Olympia, WA 98504-0255

On March 15, 2013, the Insurance Commissioner ("OIC") sent a letter by electronic mail to Millie Costage informing her that her application for a Washington resident insurance producer's license had been denied. As evidenced in the OIC's letter, the OIC based its denial on the fact that Ms. Costage had fairly recently been convicted of a felony, citing RCW 48.17.530(1)(f) which authorizes the OIC to deny a license if the applicant has been convicted of a felony. In response, on April 1, 2013 Ms. Costage submitted a Demand for Hearing. In her Demand, Ms. Costage asserts that in December 2012 she inquired with the OIC about applying for a license, disclosed her felony conviction and the date of the conviction at that time, and was led to believe she would likely be licensed subject to a probationary period; however, Ms. Costage states, after she went through the steps of taking a class, taking and passing the licensing examination and

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submitting all required information for the license application the OIC denied her a producer's license in less than an hour.

On April 24, 2013, the undersigned held a first prehearing conference in this matter, which included all parties. The OIC was represented by Alan Michael Singer, Esq., Staff Attorney in the OIC's Legal Affairs Division. Ms. Costage appeared pro se. The undersigned reviewed procedure to be expected at hearing and answered all questions and concerns of the parties. The parties agreed that the hearing should be held on June 4, 2013.

On June 3, the day before the scheduled hearing, Ms. Costage emailed Mr. Singer and the Hearings Unit advising that she was unable to attend the June 4 hearing because she had obtained a new job and could not take time off, and she asked that the hearing be rescheduled. Ms. Costage's request was granted, and based upon Ms. Costage's request that the hearing be scheduled for a Wednesday, which is her day off, the hearing was continued to Wednesday, July 17, 2013 at 10:00 a.m. Ms. Costage was so informed and did not make an objection to this date. On July 10, 2013, the OIC filed a Request for Continuance and Motion to Compel ("OIC Motion"), asking that the July 17 hearing be continued, citing the OIC's difficulty in obtaining exhibits and witness disclosure from Ms. Costage and responses to OIC informal discovery requests. Ms. Costage did not respond to the OIC Motion.

On July 15, 2013, the undersigned granted the OIC's Request for Continuance, ordered the July 17 hearing continued and scheduled a second prehearing conference to be held on July 17, 2013 at 10:00 a.m. at the time the hearing had been scheduled. Kelly Cairns, Paralegal to the undersigned, informed Ms. Costage of the OIC's Motion and the scheduled second prehearing conference a total of at least three times by telephone message left at her telephone number on file, as well as at least two times by 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.

Thereafter, on July 17 at 10:00 a.m., the date originally scheduled for the hearing but changed per advice to Ms. Costage to be a prehearing teleconference which would not 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.

Accordingly, **YOU ARE HEREBY NOTIFIED that a hearing will be held commencing on Wednesday, September 18, 2013, at 10:00 a.m. Pacific Time.** The purpose of this hearing, which will include all parties, is to consider whether Ms. Costage's application for an insurance producer's license should be denied, granted, or granted with conditions imposed.

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The OIC will appear by and through Alan Michael Singer, Staff Attorney in the Legal Affairs Division. Mr. Singer's address is Office of the Insurance Commissioner, Legal Affairs Division, P.O. Box 40255, Olympia, WA 98504-0255 and his telephone number is (360) 725-7046. Ms. Costage will appear pro se, although she is advised that she may retain an attorney to represent her at any time. Her address is 632 75th Street, SE #1, Everett, WA 98203 and her telephone number is (425) 327-8291.

Patricia D. Petersen, Esq., Presiding Officer, 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 relied upon are those set forth above, which are more specifically included in the OIC's above referenced denial letter and in the Ms. Costage's above-referenced Demand for Hearing.

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. The undersigned will not reschedule this hearing date absent unforeseeable reasons which will not include Ms. Costage's work schedule again or other foreseeable conflicts.

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.

In addition, on this date, Kelly Cairns, Paralegal to the undersigned, will send an email to Ms. Costage advising her of the above activity and requesting that – if she intends to no longer contest the OIC's action in denying her Washington resident insurance producer's license, she submit a letter or email stating that she is withdrawing her appeal.

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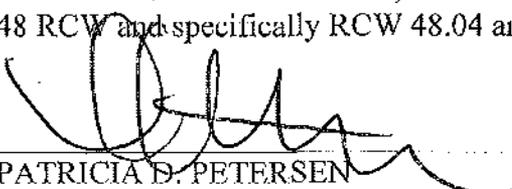
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Based upon the above activity,

IT IS HEREBY ORDERED that the adjudicative proceeding in this matter shall commence on September 18, 2013, at 10:00 a.m. Pacific 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 17th day of July, 2013, pursuant to Title 48 RCW and specifically RCW 48.04 and Title 34 RCW and regulations applicable thereto.

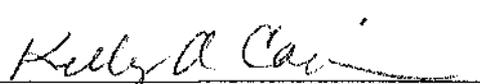


PATRICIA D. PETERSEN
Chief Presiding Officer

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: Millie Costage, Mike Kreidler, James T. Odiome, John F. Hamje, Esq., Jeff Baughman, Alan Michael Singer, Esq., and AnnaLisa Gelfermann, Esq.,

DATED this 18th day of July, 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. 13-0119 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: _____