



OFFICE OF  
INSURANCE COMMISSIONER  
HEARINGS UNIT  
Fax: (360) 664-2782

FILED

2013 SEP 10 P 3:05

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

Hearings Unit, DIC  
Patricia D. Petersen  
Chair, Hearing Officer  
Kelly A. ~~Chairs~~  
Paralegal  
(360) 725-7002  
KellyC@oic.wa.gov

BEFORE THE STATE OF WASHINGTON  
OFFICE OF INSURANCE COMMISSIONER

In the Matter of	)	<b>Docket No. 13-0119</b>
	)	
<b>MILLIE COSTAGE,</b>	)	<b>ORDER GRANTING OIC'S</b>
	)	<b>MOTION TO COMPEL</b>
Applicant.	)	
_____	)	

**TO:** Millie Costage  
632 75<sup>th</sup> 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  
AnnaLisa Gellermann, Deputy Commissioner, Legal Affairs Division  
Alan Michael Singer, Staff Attorney, Legal Affairs Division  
Office of the Insurance Commissioner  
PO Box 40255  
Olympia, WA 98504-0255

On March 15, 2013, the Washington State Insurance Commissioner ("OIC") sent a letter by electronic mail to Millie Costage ("Applicant") informing her that her application for a Washington resident insurance producer's license had been denied for reasons stated therein. On April 1, the Licensee filed a Demand for Hearing to contest the OIC's denial. The undersigned held a prehearing teleconference with all parties on April 24, at which time it was agreed that the hearing of this matter should be held on June 4. On June 3, the day before the scheduled hearing, the Applicant notified the OIC and the undersigned that she was unable to attend the June 4 hearing because she had obtained new employment and could not have the time off on that day. At the Applicant's request, the hearing was continued to July 17. On July 10, the OIC filed a Request for Continuance and Motion to Compel asking that the July 17 hearing be continued, citing the OIC's inability to obtain from the Applicant, voluntarily, her exhibits and witness disclosure list for the hearing and her responses to the

OIC's informal discovery requests. On July 15, the undersigned granted the OIC's request for a continuance for this reason, which constituted good cause for said continuance, and scheduled a second prehearing teleconference to take place on July 17 at the time the hearing had been previously scheduled to commence. At the second prehearing teleconference, the undersigned continued the hearing to September 18, 2013. The Applicant failed to appear at the second prehearing teleconference held on July 17 despite being provided with reasonable and adequate advance notice from the undersigned, and did not otherwise respond to the OIC's Motion for Continuance. The details of these events are more specifically provided in the Notice of Hearing dated July 17, 2013.

Thereafter, on July 23, 2013 the OIC propounded formal discovery to the Applicant in order to obtain the discovery it had previously sought informally, and again received no response from the Applicant. For this reason, on September 5, the OIC filed a Motion to Compel pursuant to CR 37(a), Washington Rules of Court, requesting an order compelling the Applicant to provide full and complete answers and responses to the OIC's July 23 formal discovery requests. The OIC's Motion was heard by the undersigned on September 9, 2013 via teleconference. Once again the Applicant failed to appear at said teleconference despite having been provided reasonable and adequate advance notice from the undersigned. In its Motion, the OIC states that it served interrogatories and requests for production on the Applicant on July 23, 2013. To this date, the Applicant has not responded to the discovery requests, nor has she responded to any of the OIC's or the undersigned's (through her Paralegal) telephone calls or emails. [Second Declaration of Alan Michael Singer.] Therefore, based upon these facts, there are reasonable bases for the OIC's Motion to Compel herein and the OIC's Motion should be granted.

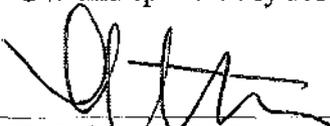
**ORDER**

On the basis of the foregoing,

**IT IS HEREBY ORDERED**, as authorized by CR 37(a), Washington Rules of Court, that the OIC's Motion to Compel is **GRANTED**. The Applicant shall promptly respond, in full, to the formal discovery which the OIC propounded to the Applicant on or before close of business on July 23, 2013;

**IT IS FURTHER ORDERED**, as authorized by CR 37(b), Washington Rules of Court, that should the Applicant fail to respond, in full, to the OIC's formal discovery propounded July 23, 2013, by close of business on Monday, September 16, 2013, the Applicant shall not be allowed to support or oppose designated claims or defenses and is prohibited from introducing designated matters in evidence.

ENTERED AT TUMWATER, WASHINGTON, this 9<sup>th</sup> day of September, 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 Krcidler, James F. Odiorne, John F. Hamje, Esq., Jeff Baughman, AnnaLisa Gelfermann, Esq., and Alan Michael Singer, Esq.,

DATED this 11<sup>th</sup> day of September, 2013.

  
\_\_\_\_\_  
KELLY A. CAIRNS