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OFFICE OF  
INSURANCE COMMISSIONER  
HEARINGS UNIT

2013 JUN 27 A 10:18

Fax: (360) 664-2782

Hearings Unit, DIC  
Patricia D. Petersen  
Kelly A. Gates  
Paralegal  
(360) 725-7002  
KellyC@oic.wa.gov

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

BEFORE THE STATE OF WASHINGTON  
OFFICE OF INSURANCE COMMISSIONER

In the Matter of	)	<b>Docket No. 13-0134</b>
	)	
<b>PREFERRED CHIROPRACTIC</b>	)	<b>NOTICE OF HEARING</b>
<b>DOCTOR, INC.,</b>	)	
	)	
Respondent.	)	

**TO:** Stephen L. Below, D.C., CEO/President  
Preferred Chiropractic Doctor, Inc.  
507 2<sup>nd</sup> Avenue South  
Clanton, AL 35045

Edward I. Clabaugh, Esq.  
Counsel for Respondent  
10217 SW Burton Drive, Suite 100  
Vashon Island, WA 98070

**COPY TO:** Mike Kreidler, Insurance Commissioner  
James T. Odiorne, Chief Deputy Insurance Commissioner  
John F. Hamje, Deputy Commissioner, Consumer Protection Division  
Marcia Stickler, Staff Attorney, Legal Affairs Division  
Charles Brown, Acting Deputy Commissioner, Legal Affairs Division  
Office of the Insurance Commissioner  
PO Box 40255  
Olympia, WA 98504-0255

On May 17, 2013, the Washington State Insurance Commissioner (OIC) issued a Notice of Request for Hearing for Imposition of Fines to Preferred Chiropractic Doctor, Inc. ("Respondent"). Said Notice of Request for Hearing proposes that the OIC take disciplinary action against the Respondent for alleged violations of the Insurance Code. Specifically, as



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stated in the Notice of Request for Hearing, the OIC alleges that the Respondent acted as the agent/dealer for, represented, marketed and/or sold at least 1,524 health care discount plan cards to Washington residents without being licensed by the OIC to operate as a discount plan organization in the State of Washington, in violation of RCW 48.155.020(1).

On June 12, 2013, the undersigned held a first prehearing conference in this matter, which included all parties. The OIC was represented by Marcia Stickler, Esq., Staff Attorney in the OIC's Legal Affairs Division. The Respondent was represented by its attorney Edward I. Clabaugh, Esq. of Vashon Island, Washington. The undersigned reviewed procedure to be expected at hearing and answered all questions and concerns of the parties. The parties agreed that this hearing should be held commencing on September 19, 2013.

Accordingly, **YOU ARE HEREBY NOTIFIED that a hearing will be held commencing on Thursday, September 19, 2013, at 10:00 a.m., Pacific Daylight Time.** The purpose of this hearing, which will include all parties, is to consider whether the Respondent's alleged activities, set forth in the OIC's Notice of Request for Hearing, constituted violations of the Insurance Code justifying imposition of a fine against the Respondent, or justify some other form of disciplinary action.

The OIC will appear by and through Marcia Stickler, Staff Attorney in the OIC's Legal Affairs Division. Ms. Stickler'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) 725-7048. Preferred Chiropractic Doctor, Inc. will be represented by Edward I. Clabaugh, Esq. His business address is 10217 SW Burton Drive, Suite 100, Vashon Island, Washington, 98070, and his telephone number is (206) 463-1500.

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@pic.wa.gov](mailto:kellyc@pic.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 Notice of 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.

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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.

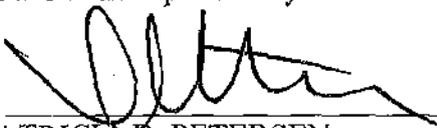
Pursuant to WAC 10-08-040(2) and in accordance with ch. 2.42 RCW, if a limited English speaking or hearing impaired or speech impaired party or witness needs an interpreter, a qualified interpreter will be appointed. There will be no cost to the party or witness therefore, except as may be provided by 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 September 19, 2013, at 10:00 a.m., Pacific Daylight Time, continuing on each successive day until terminated.

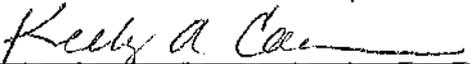
ENTERED AT TUMWATER, WASHINGTON, this 27<sup>th</sup> day of June, 2013, pursuant to Title 48 RCW and specifically RCW 48.04 and Title 34 RCW and regulations applicable thereto.

  
\_\_\_\_\_  
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: Stephen L. Below, D.C., Edward I. Clabaugh, Esq., Mike Kreidler, James T. Odiome, John F. Hamje, Esq., Charles Brown, Esq., and Marcia Stickler, Esq.

DATED this 27<sup>th</sup> day of June 2013.

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

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**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](mailto: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. 13-0134, 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: \_\_\_\_\_