



FILED

OFFICE OF
INSURANCE COMMISSIONER
HEARINGS UNIT

2013 JUN 27 A 11: 14

Fax: (360) 664-2782

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

Kelly A. Cairns
Paralegal
(360) 725-7002
KellyC@oic.wa.gov

BEFORE THE STATE OF WASHINGTON
OFFICE OF INSURANCE COMMISSIONER

In the Matter of)	Docket No. 13-0160
)	
JEFFREY T. DAVIS,)	NOTICE OF HEARING
)	
Licenscc.)	
)	

TO: Jeffrey T. Davis
7023 Alston Ct.
Edwardsville, IL 62025

Todd W. Sivia, Esq.
Sivia Business & Legal Services, P.C.
217 S. Main Street
Edwardsville, IL 62025

COPY TO: Mike Kreidler, Insurance Commissioner
James T. Odiorne, Chief Deputy Insurance Commissioner
John F. Hamje, Deputy Commissioner, Consumer Protection Division
Kate Reynolds, 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 13, 2013, the Washington State Insurance Commissioner (OIC) issued an Order Revoking and Precluding Reissuance of License, No. 13-0160 ("Order"), against Jeffrey T. Davis ("Licensee"). Said Order revokes the Washington State nonresident insurance producer license of Jeffrey T. Davis and orders that no license will be issued to him in the future. The OIC's Order is based upon the OIC's allegations that, briefly, 1) the Licensee was terminated for cause by Transamerica Life Insurance Company; 2) the Licensee intentionally misrepresented to Transamerica the nature of business submitted on behalf of certain groups in violation of RCW



NOTICE OF HEARING

13-0160

Page - 2

48.17.530(e) and (h); 3) the Licensee submitted applications for group life insurance coverage on behalf of consumers who were not employees of the purported employer and who had been told the insurance would be free in violation of RCW 48.17.530(e) and (h); and 4) by letter dated July 17, 2012 the OIC asked the Licensee specific questions concerning the facts involved in Transamerica's termination and requested copies of pertinent documents and (although the Licensee's attorney acknowledged the OIC's inquiry) the Licensee failed to answer the OIC's questions and failed to provide the requested documents, both in violation of RCW 48.17.475. Finally, the OIC argues that pursuant to RCW 48.17.530(b), (c), and (h) the OIC is authorized to revoke the Licensee's Washington producer license for violation of insurance laws, intentionally misrepresenting the terms of insurance contracts or applications or using fraudulent or dishonest practices or demonstrating untrustworthiness in this state or elsewhere.

In response, on May 17, 2013, the Licensee, by and through his attorney, Todd W. Sivia, Esq., of Sivia Business and Legal Services, P.C. in Edwardsville, IL, filed a Demand for Hearing to contest the OIC's Order, asserting 1) that customers were solicited without the Licensee's approval or knowledge; 2) that it has been difficult to obtain the documents requested by the OIC; and 3) that he would like to give the OIC a clear understanding of the entire situation rather than provide it piecemeal, and therefore he will be prepared to present his full response and evidence at hearing.

On June 19, 2013, the undersigned held a first prehearing conference in this matter, which included all parties. The OIC was represented by Kate Reynolds, Esq., Staff Attorney in the OIC's Legal Affairs Division. The Licensee was represented by his attorney Todd W. Sivia, Esq. of Edwardsville, Illinois. The undersigned reviewed procedure to be expected at hearing and answered all questions and concerns of the parties. Of note, the undersigned advised the parties that, pursuant to RCW 48.04.020(1), the OIC's Order against the Licensee was automatically stayed prior to its taking effect and will remain stayed until the Final Order after hearing is entered. Second, Mr. Sivia was advised that pursuant to applicable rules of the Washington State Bar Association, out of state attorneys may represent clients in adjudicative proceedings in this state without filing a pro hoc vice or designating local counsel, and therefore as an Illinois attorney he may represent the Licensee in this proceeding without other requirements. Third, the OIC advised that it had been difficult to obtain requested documents and information from the Licensee and counsel. The parties agreed that the OIC would identify all documents and information she wishes to obtain, the Licensee's counsel would deliver those documents and that information which he has, and that then the OIC may request issuance of a subpoena to appropriate parties should the OIC need additional documents and information which the Licensee's counsel has been unable to deliver to her. Finally, the parties agreed that this hearing should be held on October 11, 2013, and continuing on each successive day until terminated.

Accordingly, **YOU ARE HEREBY NOTIFIED** that a hearing will be held commencing on **Friday, October 11, 2013, at 10:00 a.m. Pacific Time.** The purpose of this hearing, which will include all parties, is to consider whether the Order Revoking and Precluding Reissuance of

NOTICE OF HEARING

13-0160

Page - 3

License, revoking the insurance producer's license of Jeffrey T. Davis and prohibiting reissuance thereof, should be upheld, should be set aside, or should be modified in some way.

The OIC will appear by and through Kate Reynolds, Staff Attorney in the Legal Affairs Division. Ms. Reynolds' address is Office of the Insurance Commissioner, Legal Affairs Division, P.O. Box 40255, Olympia, WA 98504-0255 and her telephone number is (360) 725-7179. The Licensee will appear and will be represented by his attorney Todd W. Sivia, Esq. of Sivia Business & Legal Services, P.C. Mr. Sivia's business address is 217 S. Main Street, Edwardsville, IL 62025 and his telephone number is (618) 659-4499.

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 A. 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 to be relied upon are those set forth above, which are more specifically included in the OIC's above-referenced Order and in Licensee'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.

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,

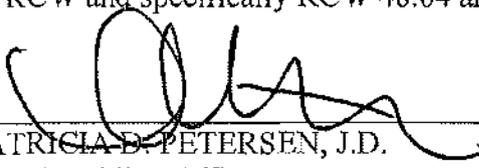
IT IS HEREBY ORDERED that the adjudicative proceeding in this matter shall commence on Friday, October 11, 2013 at 10:00 a.m. Pacific Time, continuing on each successive day until terminated, in the Office of the Insurance Commissioner, 5000 Capitol Blvd., Tumwater, WA.

NOTICE OF HEARING

13-0160

Page - 4

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

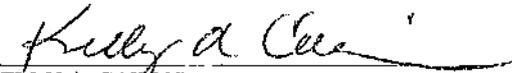


PATRICIA D. PETERSEN, J.D.
Chief Presiding Officer

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: Jeffrey T. Davis, Todd W. Sivia, Esq., Mike Kreidler, James T. Odiorne, John F. Hamje, Esq., Kate Reynolds, Esq., and Charles Brown, Esq.,

DATED this 27th day of June, 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. 13-0160, 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: _____