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OFFICE OF
INSURANCE COMMISSIONER

2014 MAY 12 A 9:54

HEARINGS UNIT
Fax: (360) 664-2782

HEARINGS UNIT
PATRICIA D. PETERSEN
CHIEF PRESIDING OFFICER

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

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PLEASE RETURN STAMPED COPY TO CONFIRM RECEIPT.

TO: Office of Administrative Hearings

MATTER: In the Matter of iCan Benefit Group, LLC and iCan Insurance, LLC, No. 13-0216

AGENCY REQUEST: Please enter Initial Order in this matter promptly and return original file and transcript to the undersigned.

TIME PERIOD REQUESTED: Please hold hearing as soon as possible. Regarding need for prompt hearing date, and date of entry of Initial Order, please note that both parties and the public have an interest in having this matter concluded as soon as possible.

OTHER INFORMATION: 1) The OIC requires insurance agents and brokers involved in disciplinary matters to appear in person, because demeanor is important. 2) If any non-agent, non-broker entity (or its attorney) appears by telephone upon approval by the ALJ, the OIC requires both parties (or their attorneys) to appear by telephone, so that one party/attorney is not alone with the ALJ. 3) Hearings are virtually always held in Olympia. Should OAH believe there is reason to hold a proceeding elsewhere, please discuss this with the OIC Hearings Unit prior to scheduling.

COUNSEL REPRESENTING COMMISSIONER: Commissioner appearing pro se through:

Andrea Philhower, OIC Staff Attorney
Office of the Insurance Commissioner, Legal Affairs Division
P.O. Box 40255
Olympia, Washington 98504-0255
(360) 725-7063

COUNSEL REPRESENTING AGGRIEVED PARTY:

Brian F. Kreger, Esq.
Kreger & Beeghly, PLLC
999 Third Avenue, Suite 3000
Seattle, WA 98104
(206) 829-2757

OIC's HEARINGS UNIT ACTION COMPLETED TO DATE: On April 30, 2014, the undersigned entered Order Denying Licensees' Request for Dismissal, having determined that the OIC was not required to have the Attorney General initiate the proceeding against the Licensees nor have the Attorney General represent the OIC in the proceeding. As indicated in the Order Denying Licensee's Request for Dismissal, this was based upon the arguments of the parties and evidence of the Attorney General's advice on the matter along with the Attorney General's specific approval for OIC delegated staff to handle this adjudicative proceeding. Should there be a request for reconsideration or other appeal of the Order Denying Licensee's Request for Dismissal, the hearing file should be transmitted back to the undersigned for possible reconsideration of that Order prior to resumption of the proceeding before an OAH ALJ.

ANTICIPATED OAH PREHEARING ACTIVITY: Please read instructions in this transmittal page regarding the OIC's need for the OAH's prompt handling of this case. Appoint an administrative law judge to hear matter and enter an initial (or recommended) decision. The initial decision and the entire hearing file, including the transcript of the proceeding, will then be returned (promptly please) to this Hearings Unit for review and entry of final Findings of Fact, Conclusions of Law and Order. Should a case be settled prior to hearing before the ALJ, please simply include the settlement documents in the hearing file, return hearing file to OIC Chief Presiding Officer (promptly please), and the OIC Chief Presiding Officer will review the file and enter the Final Order Terminating Proceeding.

OTHER:

Documents included in transmission:

1. Notice of Request for Hearing for Imposition of Fines dated March 17, 2014
2. Notice of Receipt of OIC Notice of Request for Hearing dated March 18, 2014
3. Email dated March 31, 2014 from Brian Kreger to Andrea Philhower regarding his appearance as counsel for Respondents
4. Licensees' Objection to OIC's Request for Hearing as Contrary to Law; Request to Dismiss OIC's Request; and, in the alternative, Request for Administrative Law Judge Assigned under Chapter 32.12 [sic], RCW, filed April 3, 2014.
5. OIC's Response to iCan's Objection to OIC's Request for Hearing, Motion to Dismiss and, in the alternative, Request for Administrative Law Judge Assigned Under Chapter 34.12 RCW, filed April 2, 2014.

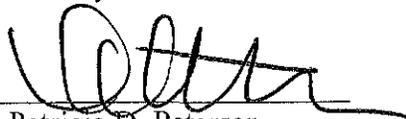
6. Letter from the undersigned to counsel for the parties concerning Licensees' Objection and Request to Dismiss, with attachment Order on Respondent Scarborough's Motion to Quash, from *In the Matter of Edmund C. Scarborough, No. 13-0084*.
7. Licensees' Response and Renewal of Request That This Matter Be Dismissed, filed April 23, 2014.
8. OIC's Response to iCan's Renewal of Request That This Matter Be Dismissed, filed April 23, 2014.
9. Licensees' Motion to Strike OIC's Response as Untimely Filed and To Strike Declaration of Marta DeLeon as Irrelevant and Unsupported, filed April 28, 2014.
10. OIC's Response to Licensees' Motion to Strike OIC's Response and Declaration of Marta DeLeon, filed April 25, 2014.
11. (1) Order Denying Licensees' Motion to Strike OIC's Response as Untimely Filed; and (2) Order Denying Licensees' Motion to Strike Declaration of Marta DeLeon as Irrelevant and Unsupported, entered by the undersigned on April 30, 2014.
12. Order Denying Licensees' Request for Dismissal, entered by the undersigned on April 30, 2014.

Agency Contact: Chief Presiding Officer Patricia D. Petersen
Office of Insurance Commissioner
P.O. Box 40255
Olympia, WA 97504-0255
(306) 725-7105

Billing Contact: Same.

Date: May 12th, 2014

By:



Patricia D. Petersen
Chief Presiding Officer