

MIKE KREIDLER
STATE INSURANCE COMMISSIONER

STATE OF WASHINGTON



FILED

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2014 APR 30 A 10: 27

OFFICE OF
INSURANCE COMMISSIONER

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OIC HEARINGS UNIT
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CHIEF PRESIDING OFFICER

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BEFORE THE STATE OF WASHINGTON
OFFICE OF INSURANCE COMMISSIONER

In the Matter of

) Docket No. 13-0~~004~~²¹⁶

)
)
) iCAN BENEFIT GROUP, LLC and
) iCAN INSURANCE, LLC,

) (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

) Respondents.
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)

TO: iCan Benefit Group, LLC and
iCan Insurance, LLC
c/o Eric P. Serna, Esq.
P.O. Box 8254
Santa Fe, NM 87504-8254

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Kreger Beeghly, PLLC
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Seattle, WA 98104-4088

COPY TO: Mike Kreidler, Insurance Commissioner
James T. Odiorne, Chief Deputy Insurance Commissioner
John F. Hamje, Deputy Commissioner, Consumer Protection Division
Andrea Philhower, Staff Attorney, Legal Affairs Division
AnnaLisa Gellermann, Esq., Deputy Commissioner, Legal Affairs Division
Office of the Insurance Commissioner
PO Box 40255
Olympia, WA 98504-0255



ORDER DENYING LICENSEES'
MOTION TO STRIKE
13-0216
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On March 17, 2014, the Insurance Commissioner ("OIC") filed a Notice of Request for Hearing for Imposition of Fines pursuant to RCW 48.48.17.560 and 48.30.010(6), alleging that that Licensees solicited Washington residents for the sale of insurance from some 20 carriers when Licensees were in fact only appointed by three insurers in Washington, and other activities, and thereby violated several specified provisions of the Insurance Code and regulations. In response, on April 3, 2014 Licensees filed their Licensees' Objection to OIC's Request for Hearing as Contrary to Law and Request to Dismiss OIC's Request [for Hearing] based upon their argument that this proceeding was not initiated by, and in this proceeding the OIC is not represented by, the attorney general as Licensees argue is required. (As indicated, the Licensees also emailed this Request on April 2, 2014.)

During prehearing conference held April 3, 2014, the parties agreed to wait for the decision on this same issue in another case, *In the Matter of Scarborough*, Docket No. 13-0084. By letter dated April 15, the undersigned provided a copy of that decision to both parties and allowed them to respond by close of business on April 22, 2014. The Licensees and the OIC filed their hard copy responses on April 23.

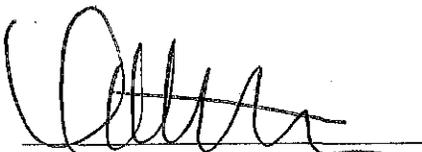
Thereafter, on April 28, 2014 the Licensees filed a Motion to Strike OIC's Response as Untimely Filed and to Strike Declaration of Marta DeLeon as Irrelevant and Unsupported. In support of their argument, Licensees argue that the OIC's Response and Declaration was filed on April 23, 2014 which was one day too late. However, pursuant to WAC 10-08-110, filings are required to be made by U.S. Mail or fax unless filing by email is pre-authorized. Because the Licensees received no pre-authorization to file their Response by email, Licensees' Response was technically one day late as well. For this reason, and based upon case law presented by the OIC in its OIC's Response to Licensees' Motion to Strike filed April 25, Licensees' Motion to Strike OIC's Response and Declaration of Marta DeLeon should be denied. In addition, Licensees' arguments that Declaration of Marta DeLeon should be stricken as irrelevant and unsupported are without adequate legal basis and therefore should be denied as well.

Based upon the above activity,

IT IS HEREBY ORDERED that Licensees' Motion to Strike OIC's Response as Untimely Filed is DENIED.

IT IS FURTHER ORDERED that Licensees' Motion to Strike Declaration of Marta DeLeon as Irrelevant and Unsupported is DENIED.

ENTERED AT TUMWATER, WASHINGTON, this 30th day of April, 2014, pursuant to Title 48 RCW and specifically RCW 48.04 and Title 34 RCW and regulations applicable thereto.



PATRICIA D. PETERSEN
Chief Presiding Officer

ORDER DENYING LICENSEES'

MOTION TO STRIKE

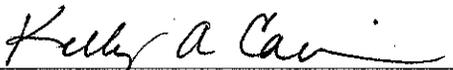
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Declaration of Mailing

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: Eric P. Serna, Esq., Brian F. Kreger, Esq., Mike Kreidler, James T. Odiorne, John F. Hamje, Esq., AnnaLisa Gellermann, Esq. and Andrea Philhower, Esq.

DATED this 30th day of April, 2014.


KELLY A. CAIRNS