

REVIEW DECISION AND FINAL ORDER

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The OIC automatically reviews all initial decisions of the OAH. On July 29, 2014, Mr. Jarrett filed his own Petition for Review of Initial Order. On August 11, 2014, the OIC filed its Response to Petition for Review of Initial Order. Mr. Jarrett did not file a Reply to the OAC's Response.

Judge Kim's Findings of Fact, Conclusions of Law, and Initial Order have been transmitted to me, as Reviewing Officer, for review and for entry of Findings of Fact, Conclusions of Law, and Final Order. See, RCW 34.05.464. I have reviewed the whole file, including all documents and exhibits presented in the hearing before Judge Kim, Mr. Jarrett's Petition for Review of Initial Order, and the OIC's Response to Petition for Review of Initial Order. I have given due regard to Judge Kim's opportunity to observe the witnesses. See, RCW 34.05.464(4).

The hearing before the OAH was properly convened and satisfied all substantive and procedural requirements under the laws of the State of Washington.

Except as modified herein, I incorporate by reference Judge Kim's Findings of Fact, Conclusions of Law, and Initial Order, including the reasons and bases therefor. See, RCW 34.05.464(8); RCW 34.05.45.461(3).

FINDINGS OF FACT

No change.

CONCLUSIONS OF LAW

Conclusions of Law 5-9.

I agree that Judge Kim did not possess equitable powers. However, I do not adopt Judge Kim's conclusion -- citing *Johnson v. Department of Health*, 133 Wn.App. 403 (2006) and RCW 34.05.570(3)(i) -- that in order to reverse or amend the Commissioner's Order Revoking, he was required to conclude "that said Order is an arbitrary or capricious action." *Johnson* and RCW 34.05.570(3)(i) apply to court review of agency action and not necessarily to ALJ review.

In any case, my present independent determination of an appropriate sanction was not limited by the "arbitrary and capricious" standard utilized by Judge Kim and has given Mr. Jarrett "ample opportunity to be heard, exercised honestly and upon due consideration." See, *Johnson*, at 414, citing *Wash. Med. Disciplinary Bd. v. Johnston*, 99 Wn.2d 466, 483 (1983).

Conclusion of Law 6.

The OIC Producer Enforcement Group (PEG) reconsidered Mr. Jarrett's case in light of the facts disclosed at his March 2014 deposition, including debating -- as then requested on behalf of Mr. Jarrett -- a possible settlement including a sanction less severe than license revocation.

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Conclusion of Law 7.

Revocation of Mr. Jarrett's insurance producer's license is proportionate and appropriate, given his grievous misconduct: Mr. Jarrett 1) dishonestly wrote many insurance policies without the knowledge or consent of the putative policyholders; 2) forged putative policyholders' signatures on insurance applications; 3) was credited with commissions on dishonestly written policies (later reversed by Farmers and its affiliate); and 4) failed to be fully responsive to investigations of his misconduct by Farmers and by the OIC.

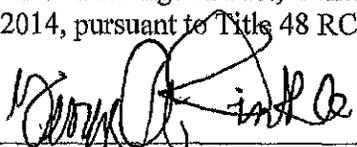
Conclusion of Law 8.

Mr. Jarrett is a community leader who appears to have a good reputation in his community and has no prior disciplinary history. However, given Mr. Jarrett's grievous misconduct, a sanction less severe than license revocation would constitute inadequate punishment and would insufficiently deter similar misconduct.

ORDER

Based on the foregoing Findings of Facts and Conclusions of Law, the OIC's Order Revoking License, dated September 6, 2013, is confirmed. Bryan K. Jarrett's Washington State insurance producer license is hereby Revoked.

These Findings of Fact, Conclusions of Law, and Final Order are entered this 26th day of August, 2014, pursuant to Title 48 RCW, RCW 34.05, and regulations applicable thereto.



Judge George Finkle (Ret.)
Presiding Officer

Pursuant to RCW 34.05.461(3), the parties are advised that they may seek reconsideration of this order by filing a request for reconsideration under RCW 34.05.470 with the undersigned within 10 days of the date of service (date of mailing) of this order. Further, the parties are advised that, pursuant to RCW 34.05.514 and 34.05.542, this order may be appealed to Superior Court by, within 30 days after date of service (date of mailing) of this order, 1) filing a petition in the Superior Court, at the petitioner's option, for (a) Thurston County or (b) the county of the petitioner's residence or principal place of business; and 2) delivery of a copy of the petition to the Office of the Insurance Commissioner; and 3) depositing copies of the petition upon all other parties of record and the Office of the Attorney General.

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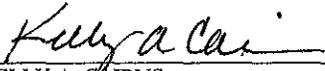
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Declaration of Mailing

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: Bryan K. Jarrett, Adam Scott, Esq., Mike Kreidler, James T. Odiome, John F. Hamje, AnnaLisa Gellermann, and Marcia Stickler.

DATED this 27th day of August, 2014.



KELLY A. CAIRNS