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**OFFICE OF
INSURANCE COMMISSIONER**

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BEFORE THE STATE OF WASHINGTON
OFFICE OF INSURANCE COMMISSIONER

In the Matter of)	Docket No. 13-0257
)	
JILL MILANI,)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
Applicant.)	AND FINAL ORDER
)	

TO: Jill Milani
c/o Edwards
2406 NE 139th Street #368
Vancouver, WA 98686

COPY TO: Mike Kreidler, Insurance Commissioner
James T. Odiome, J.D., CPA, Chief Deputy Insurance Commissioner
John F. Hamje, Deputy Commissioner, Consumer Protection Division
AnnaLisa Gellermann, Esq., Deputy Commissioner, Legal Affairs Division
Marcia Stickler, Staff Attorney, Legal Affairs Division
Office of the Insurance Commissioner
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Olympia, WA 98504-0255

Pursuant to RCW 34.05.434, 34.05.461, 48.04.010 and WAC 10-08-210, and after notice to all interested parties and persons the above-entitled matter came on regularly for hearing before the Washington State Insurance Commissioner commencing at 10:00 a.m. on October 15, 2013. All persons to be affected by the above-entitled matter were given the right to be present at such hearing during the giving of testimony, and had reasonable opportunity to inspect all documentary evidence. The Insurance Commissioner appeared pro se, by and through Marcia Stickler, Esq., Staff Attorney in his Legal Affairs Division. Jill Milani appeared pro se.



NATURE OF PROCEEDING

The purpose of the hearing was to take testimony and evidence and hear arguments as to whether the Insurance Commissioner's decision to deny the application of Jill Milani for a *Letter of Written Consent to Engage in the Business of Insurance* should be upheld. According to the Insurance Commissioner's letter to the Applicant dated September 9, 2013, the OIC based its denial on the fact that Ms. Milani has had a felony conviction involving theft, fraud, embezzlement or mishandling of funds within the past ten years. On September 10, 2013, the Applicant filed a Demand for Hearing to contest the OIC's denial of her application for a Letter of Written Consent.

FINDINGS OF FACT

Having considered the evidence and arguments presented at the hearing, and the documents on file herein, the undersigned presiding officer designated to hear and determine this matter finds as follows:

1. The hearing was duly and properly convened and all substantive and procedural requirements under the laws of the state of Washington have been satisfied. This Order is entered pursuant to Title 48 RCW and specifically RCW 48.04; Title 34 RCW; and regulations pursuant thereto.
2. Jill Milani ("Applicant"; also referred to in some of the hearing exhibits as "Jill Cunningham") is an approximately 54 year old resident of Vancouver, Washington. On September 6, 2013 the Applicant applied to the OIC for a Letter of Written Consent to Engage in the Business of Insurance pursuant to 18 U.S.C. § 1033 ("Application"). [OIC Ex. 1, p. 1-8, Application; OIC Ex. 8, 2011 NAIC guidance on felonies that require 18 USC Sec. 1033 consent, at pgs. 36 and 37.] On September 9, 2013, the OIC denied her Application, stating as grounds for denial that the Applicant was convicted of a felony involving theft, fraud, embezzlement or mishandling of funds on January 8, 2009. [OIC Ex. 6, p.1, OIC letter denying Application.] The Applicant appealed the OIC's denial to the undersigned. [Hearing File Ex. 1, Demand for Hearing; OIC Ex. 7, Demand for Hearing.]
3. The Applicant was convicted on January 8, 2009 pursuant to a plea of guilty to two counts of felony theft. The first count was for theft in the first degree (Class B felony) for thefts committed between October 2, 2006 and January 29, 2008. The second count was for theft in the second degree (Class C felony) for thefts committed between April 22, 2008 and September 11, 2008. As a result of the conviction, the Applicant was sentenced to sixty days of confinement and sixty days of work release, and was ordered to pay restitution and court costs. [OIC Ex 2, Clark County Superior Court documents; OIC Ex. 5, Washington State Patrol criminal history information dated September 3, 2013.]

FINDINGS OF FACT, CONCLUSIONS OF LAW
AND FINAL ORDER

13-0257

Page - 3

4. Both counts of theft involved the Applicant stealing money from her employer. The first count concerned events that occurred between October 2, 2006 and January 29, 2008, while she was employed at Essentials Day Spa Salon. After working there for approximately one year, the Applicant began taking cash from the salon. She originally intended to just "borrow" the money and pay it back, but she continued to steal the money and even on occasion forged checks when there was no cash available. The Applicant stole money from her employer over the course of about sixteen months, until her employer grew suspicious and confronted her in January 2008. [OIC Hearing Brief, Ex. 1; Testimony of Applicant.]

5. The second count concerned events that occurred between April 22, 2008 and September 11, 2008 while the Applicant was employed by Vancouver Oral Surgery Group and while she was already in the court process for the first crime. The Applicant stole cash from this employer over the course of almost five months, when in September 2008, she confessed the thefts to her employer. [OIC Hearing Brief, Ex. 1; Testimony of Applicant.]

6. In her OIC Application, the Applicant explained that she "temporarily took a very wrong turn" and is just asking for a second chance. [OIC Ex. 1, Application; Testimony of Applicant.] The Applicant advises that she took the actions which resulted in her felony convictions out of fear and desperation during a time when she and her daughter and her daughter's young child were all in dire straits. She acknowledged that she made bad choices and plans never to "be in that place again" and also cited health condition(s) as a partial reason for her actions. [Testimony of Applicant.]

7. From 2010 to 2013, the Applicant worked in her own business, Joy by Jill, which is an authorized reseller of Bar-Maids, LLC products, calling on existing accounts across the country to acquire product orders and assist with customer service. From 2008 to 2011, she was employed by Cascade Callworks, a cold call and warm lead telemarketing sales operator, using company scripts to sell Employer Guides, OSHA Manuals and Training Guides to general businesses, medical practices and facilities, construction companies and all businesses involved in the automotive industry. [Applicant's Ex. 1, Resume; Testimony of Applicant.] The Applicant received 14 awards from Cascade Callworks for performing excellent work there for one year, then for two years, then for reaching goals for 1,000 orders, then 2,000 orders, several "hustle awards," and three awards from Cascade Callworks for "outstanding performance" in her work. [Applicant Ex. 1, award certificates.] At the time of the hearing, the Applicant stated she was obtaining temporary work through a Goodwill job connection program. The Applicant also indicated she had a job opportunity pending with a life insurance company conditioned upon her successfully obtaining her producer's license. [Testimony of Applicant.]

8. The Applicant submitted three letters of recommendation along with her Application. [OIC Ex. 3, pgs. 1-3.] One is from a personal friend who worked with her some 27 years ago. The second is from Kismet Andrews, mother-in-law of the Applicant's child, and who is also the owner of the small business for which the Applicant worked in various capacities over the past

FINDINGS OF FACT, CONCLUSIONS OF LAW
AND FINAL ORDER

13-0257

Page - 4

six years but who goes into no detail about that work. The third is from Nova Chapman, who states she has known the Applicant for over 11 years as a friend but that the Applicant *has also been a staff memeber* [sic], *where* [sic] *I managed for 3 years in the Vancouver Washington area*[] although she does not identify the employer, the business or any tasks in which the Applicant was involved or whether the Applicant's stated qualities of *reliability, trustability, compansion* [sic], *truthfulness* were exhibited in that employment or elsewhere. While these letters are acknowledged, they were given little weight due to their personal nature and/or their nonspecific or nonrelevant nature.

9. The Applicant took and passed the OIC's required examination to obtain a Washington state life and disability producer's license on August 29, 2013. [Testimony of Applicant; OIC Hearing Brief.]

10. Jill Milani, the Applicant, appeared as a witness on her own behalf and was subject to cross examination by the OIC as required. Ms. Milani presented her testimony in a detailed and credible manner and presented no apparent biases.

11. Based upon the above Findings, and particularly the fact that her felony convictions were fairly recent, it is reasonable that the OIC's action denying the Applicant's Application for a Letter of Written Consent to Engage in the Business of Insurance be upheld.

CONCLUSIONS OF LAW

Based upon the above Findings of Fact, it is hereby concluded:

1. The adjudicative proceeding herein was duly and properly convened and all substantive and procedural requirements under the laws of the state of Washington have been satisfied. This Order is entered pursuant to Title 48 RCW and specifically RCW 48.04; Title 34 RCW; and regulations pursuant thereto.

2. Pursuant to 18 U.S.C. §§ 1033 and 1034, and specifically 18 U.S.C. § 1033(e), any individual who has been convicted of any criminal felony involving dishonesty or a breach of trust may engage in the business of insurance or participate in such business if such person has the written consent of the regulatory official authorized to regulate the insurer. Pursuant to 18 U.S.C. §§ 1033 and 1034, the Application for Written Consent to Engage in the Business of Insurance Pursuant to 18 U.S.C. §§ 1033 and 1034 shall be reviewed by the Washington State Insurance Commissioner, as the chief insurance regulatory official in this state, to determine whether the Applicant should be given written consent pursuant to 18 U.S.C. § 1033(e)(2). On September 6, 2013, the Applicant properly filed her Application for Written Consent. Following receipt of this Application, the OIC, the properly designated authority to do so, duly reviewed this Application and on September 9, 2013 the OIC properly denied this Application based upon the OIC's proper determination that 1) the felonies which the Applicant was convicted of in 2009

FINDINGS OF FACT, CONCLUSIONS OF LAW
AND FINAL ORDER

13-0257

Page - 5

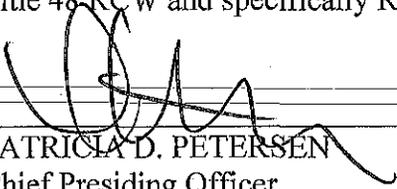
are among those felonies subject to review pursuant to 18 U.S.C. Sec. 1033, and 2) these felony convictions were too recent to grant a letter of written consent.

ORDER

On the basis of the foregoing Findings of Fact and Conclusions of Law,

IT IS HEREBY ORDERED that the Washington State Insurance Commissioner's denial of the Jill Milani's Application for a Letter of Written Consent to Engage in the Business of Insurance on September 9, 2013 is upheld.

ENTERED AT TUMWATER, WASHINGTON, this 13th day of January, 2014, pursuant to Title 48 RCW and specifically RCW 48.04 and Title 34 RCW and regulations applicable thereto.



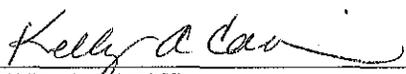
PATRICIA D. PETERSEN
Chief Presiding Officer

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.

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: Jill Milani, Mike Kreidler, James T. Odiorne, John F. Hamje, AnnaLisa Gellermann, Esq., and Marcia Stickler, Esq.

DATED this 13th day of January, 2014.



KELLY A. CAIRNS