



FEB 18, 2014

OFFICE OF
INSURANCE COMMISSIONER
HEARINGS UNIT

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Hearings Unit, OIC
Patricia D. Petersen
Chief Hearing Officer

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. 13-0296
)	
JOYCELYN K. STEWART,)	ORDER TERMINATING
)	PROCEEDINGS
Licensee.)	
_____)	

TO: Joycelyn K. Stewart
AIG Aerospace Insurance Services, Inc.
100 Colony Square
1175 Peachtree Street NE, Suite 1000
Atlanta, GA 30361-6217

COPY TO: Mike Kreidler, Insurance Commissioner
James T. Odiome, J.D., CPA, Chief Deputy Insurance Commissioner
John F. Hamje, Deputy Commissioner, Consumer Protection Division
Marcia Stickler, 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

On October 28, 2013, the Insurance Commissioner ("OIC") entered an Order Revoking License, No. 13-0296, to Joycelyn K. Stewart ("Licensee"), revoking her nonresident insurance producer's license effective November 13, 2013, based upon the OIC's allegations that the Licensee failed to respond to the OIC's numerous attempts to communicate with her regarding the business of insurance, thus violating RCW 48.17.475. On December 13, 2013, the undersigned received and filed a Demand for Hearing from the Licensee requesting a hearing to contest the OIC's Order.



ORDER TERMINATING PROCEEDINGS

13-0296

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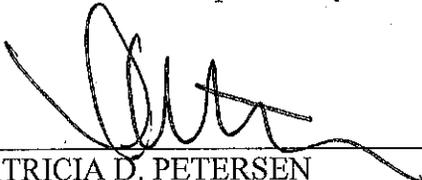
On January 9, 2014, the OIC sent an email to the undersigned asking that the prehearing conference in the matter be cancelled because the OIC and the Licensee were working out a settlement. On February 10, the OIC filed with the undersigned a copy of the Consent Order Rescinding Previous Revocation Order 13-0296 and Levying a Fine, No. 14-0007, executed by the Licensee on January 15 and the OIC on January 21. A copy of this Consent Order, which constitutes the settlement agreement between the parties, is attached hereto and by this reference made a part hereof.

Relative to Consent Order Rescinding Previous Revocation Order 13-0296 and Levying a Fine, No. 14-0007, it is noted that this case was settled prior to the commencement of an adjudicative proceeding. Therefore, for purposes of clarification, while this Consent Order includes statements identified as "Findings of Facts" and "Conclusions of Law," these are not Findings of Fact or Conclusions of Law which were made by an adjudicator after an adjudicative proceeding; rather, the statements contained in the referenced Consent Order which are entitled "Findings of Fact" and "Conclusions of Law" are only statements that are agreed upon between the parties.

Based upon the above activity,

IT IS HEREBY ORDERED that, by the Licensee's and the OIC's execution of the Consent Order Rescinding Previous Revocation Order 13-0296 and Levying a Fine, No. 14-0007 on January 15 and January 21, 2014, respectively, the parties have fully settled this matter and the proceeding herein, Docket No. 13-0296, is dismissed with prejudice. For purposes of clarification, while the referenced Consent Order includes statements identified as "Findings of Fact" and "Conclusions of Law," these are not Findings of Fact or Conclusions of Law which were made by an adjudicator after an adjudicative proceeding; rather, the statements contained in the attached Consent Order entitled "Findings of Fact" and "Conclusions of Law" are only statements agreed upon between the parties themselves.

ENTERED AT TUMWATER, WASHINGTON, this 18th day of February, 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 TERMINATING PROCEEDINGS

13-0296

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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: Joycelyn K. Stewart., Mike Kreidler, James T. Odiorne, John F. Hamje, Esq., Marcia Stickler, Esq., and AnnaLisa Gellermann, Esq.

DATED this _____ day of February, 2014.

KELLY A. CAIRNS



OFFICE OF
INSURANCE COMMISSIONER

FILED

Phone: (360) 725-7000
www.insurance.wa.gov

FEB 10, 2014

000639307-01/17/13
Patricia C. Petersen
Chief Hearing Officer

IN THE MATTER OF

Joycelyn K. Stewart,

Respondent.

ORDER NO. 14-0007

CONSENT ORDER RESCINDING
PREVIOUS REVOCATION ORDER
NO. 13-0296 AND LEVYING A
FINE

The Insurance Commissioner of the State of Washington, pursuant to the authority set forth in RCW 48.02.080, RCW 48.17.530 and RCW 48.17.560, and having reviewed the official records and files of the Office of the Insurance Commissioner ("OIC"), makes the following:

FINDINGS OF FACT:

1. Joycelyn K. Stewart ("Stewart" or "Licensee") was licensed as a nonresident independent adjuster in Washington on June 16, 2012. Her home state is Georgia.
2. The OIC had questions about Stewart's birth date, which was different than that shown in the National Producer Database. The OIC wanted to confirm the correct date of birth.
3. Stewart then failed to respond to follow up requests by the OIC for additional information and Stewart's Washington nonresident independent adjuster license was accordingly revoked by Order No. 13-0296 entered October 28, 2013.
4. Stewart now wishes to reapply for a Washington nonresident independent adjuster license.

CONCLUSIONS OF LAW:

1. By failing to respond to inquiries by the OIC within fifteen working days, Stewart violated RCW 48.17.475.
2. RCW 48.17.560 provides that, upon stipulation, OIC has the authority to levy a fine upon Stewart in addition to, or in lieu of, revocation of her Washington nonresident independent adjuster license.

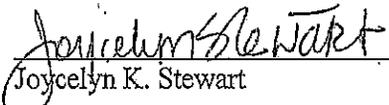
CONSENT TO ORDER:

Joycelyn K. Stewart, acknowledging her duty to comply fully with the applicable laws of the State of Washington, consents to the following in consideration of her desire to regain her Washington nonresident independent adjuster's license and to resolve this matter without further administrative or judicial proceedings. The Insurance Commissioner consents to settle the matter in consideration of Stewart's payment of a fine and such terms and conditions as are set forth below.



1. Stewart consents to the entry of this Order, waives any and all hearing rights, and further administrative or judicial challenges to this Consent Order.
2. By agreement of the parties, the Insurance Commissioner will rescind OIC Order No. 13-0296 and impose a fine of \$450.00.
3. Within thirty days of the entry of this Order, Stewart will pay the \$450.00 fine.

EXECUTED this 15 day of January, 2014.


Joycelyn K. Stewart

ORDER

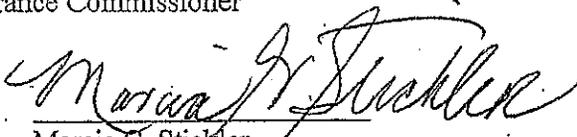
Pursuant to the foregoing Findings of Fact, Conclusions of Law, and Consent to Order, the Insurance Commissioner hereby orders as follows:

1. OIC Order No. 13-0296 shall be RESCINDED on the condition that Stewart shall pay a fine in the amount of \$450.00 within thirty days of the date of entry of this Order.
2. Stewart's failure to pay the fine within the time limit set forth above and abide by the conditions of this Order shall result in the reinstatement of the Order revoking her nonresident independent adjuster license and in the recovery of the fine through a civil action brought on behalf of the Insurance Commissioner by the Attorney General of the State of Washington.

ENTERED AT TUMWATER, WASHINGTON, this 21st day of January 2014.

MIKE KREIDLER
Insurance Commissioner

By


Marcia G. Stickler
OIC Staff Attorney
Legal Affairs Division

Consent Order Rescinding Previous
Revocation Order No. 13-0296
And Levying A Fine
OIC Order No. 14-0007
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OFFICE OF
INSURANCE COMMISSIONER

In the Matter of

JOYCELYN K. STEWART,

Licensee.

No. 13-0296

ORDER REVOKING LICENSE

To: Joycelyn K. Stewart
135 Griffin Circle
Decatur GA 30030

IT IS ORDERED AND YOU ARE HEREBY NOTIFIED that your license is REVOKED, effective November 13, 2013, pursuant to RCW 48.17.530 and 48.17.540 (2).

THIS ORDER IS BASED ON THE FOLLOWING:

The Commissioner sent you written inquiries dated August 8, 2013 (e-mail); August 12, 2013 (e-mail); and August 29, 2013 (letter). We attempted to contact you by telephone at your reported number, but a recorded message said the "mail box was not in service". These numerous attempts to communicate with you were related to the business of insurance, requesting confirmation of your date of birth. You did not respond to any of them. Each such failure to respond promptly violated RCW 48.17.475.

NOTICE CONCERNING YOUR RIGHT TO A HEARING. Please note that a detailed summary of your right to contest this Order is attached. Briefly, if you are aggrieved by this Order, RCW 48.04.010 permits you to demand a hearing. Pursuant to that statute and others: You must demand a hearing, in writing within 90 days after the date of this Order, which is the day it was mailed to you, or you will waive your right to a hearing. Your demand for a hearing must specify briefly the reasons why you think this Order should be changed. If your demand for a hearing is received by the Commissioner before the effective date of the revocation, then the revocation will be stayed (postponed) pending the hearing, pursuant to RCW 48.04.020. Upon receipt of your demand for a hearing, you will be contacted by an assistant of the Chief Hearing Officer to schedule a teleconference with you and the Insurance Commissioner's Office to discuss the hearing and the procedures to be followed.



ORDER REVOKING LICENSE

No. 13-0296

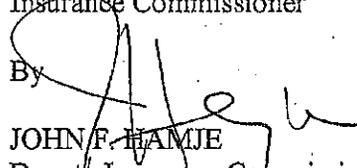
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Your Demand for Hearing should be sent to Hearing Unit, Office of the Insurance Commissioner, P.O. Box 40255, Olympia, WA, 98504-0255, and must briefly state how you are harmed by this decision and why you disagree with it. You will then be notified both by telephone and in writing of the time and place of your hearing. If you have questions concerning filing a Demand for Hearing or the hearing process, please telephone the Hearings Unit, at 360-725-7002.

ENTERED AT TUMWATER, WASHINGTON, this 28th day of October, 2013.

MIKE KREIDLER
Insurance Commissioner

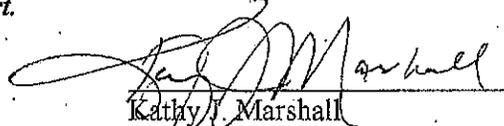
By


JOHN F. HAMJE
Deputy Insurance Commissioner

DECLARATION OF MAILING

I certify under penalty of perjury under the laws of the State of Washington that on the date listed below, I mailed or caused delivery of a true copy of this document to *Joycelyn K. Stewart*.

Dated: *October 29, 2013*
At Tumwater, Washington


Kathy J. Marshall

NOTICE OF YOUR RIGHT TO A HEARING

You have the right to demand a hearing to contest this Order. During this hearing, you can present your argument that the Order should not have been entered for legal and/or factual reasons and/or to explain the circumstances surrounding the activities which are the subject of this Order. You may be represented by an attorney if you wish, although in some hearings before this agency parties do choose to represent themselves without an attorney.

Your demand for hearing should be sent to Office of the Insurance Commissioner, Attention: Patricia D. Petersen, Chief Hearing Officer, Hearings Unit, P.O. Box 40255, Olympia, WA 98504-0255, and must briefly state how you are harmed by this Order and why you disagree with it. You will then be notified both by telephone and in writing of the time and place of your hearing. If you have questions concerning filing a Demand for Hearing or the hearing process, please telephone the Hearings Unit, Office of the Insurance Commissioner, at 360/725-7002.

Your Demand for Hearing must be made within 90 days after the date of this Order, which is the date of mailing, or your Demand will be invalid and this Order will stand. If your Demand for Hearing is received before the effective date of this Order, the penalties contained in the Order will be stayed (postponed) until after your hearing.

It is important to know that if you demand a hearing, you will have two options for how it will be handled:

Option 1: Unless you specifically request Option 2, your hearing will be presided over by an administrative law judge from the Office of the Insurance Commissioner. Under this option, upon receipt of your Demand for Hearing, the Insurance Commissioner may refer the case to an administrative law judge. The administrative law judge is an individual who has not had any involvement with this case. The administrative law judge will hear and make the final decision in the case without any communication, input or review by the Insurance Commissioner or staff or any other individual who has knowledge of the case. This administrative law judge's final decision may uphold or reverse the Commissioner's action or may instead impose any penalties which are less than those contained in the Order.

Option 2: If you elect, your hearing will be presided over by an administrative law judge from the Office of Administrative Hearings. That administrative law judge will issue an initial or recommended decision which will then be sent to the Insurance Commissioner. The Insurance Commissioner, or his designee, will review the initial decision and make the final decision. The Insurance Commissioner's final decision in the case may uphold, reverse or modify the initial decision, thereby changing the penalty which is recommended in the initial decision. In writing the final decision, the Insurance Commissioner is not bound by the findings of facts or conclusions of law which were made in the initial decision.