

**FILED**

2014 OCT -2 A 10: 07

BEFORE THE STATE OF WASHINGTON  
OFFICE OF INSURANCE COMMISSIONER

In the Matter of:	)	No. 14-0081, No. 14-0082
	)	
<b>BENEFIT MARKETING SOLUTIONS,</b>	)	<b>ORDER ON MOTION FOR</b>
<b>LLC, and BENEFIT SERVICES</b>	)	<b>STAY OF AMENDED</b>
<b>ASSOCIATION,</b>	)	<b>CEASE AND DESIST ORDER</b>
<b>and</b>	)	
<b>RENT-A-CENTER, INC., AND</b>	)	
<b>RENT-A-CENTER WEST, INC.</b>	)	
_____	)	

**TO:** Gulliver Swenson, Esq.  
Ryan Swanson & Cleveland, PLLC  
1201 Third Avenue, Suite 3400  
Seattle, WA 98101-3034

**COPY TO:** Mike Kreidler, Insurance Commissioner  
James T. Odiorne, Chief Deputy Insurance Commissioner  
John F. Hamje, Deputy Commissioner, Consumer Protection Division  
Marcia Stickler, Esq., Insurance Enforcement Specialist, Legal Affairs Div.  
AnnaLisa Gellermann, Deputy Commissioner, Legal Affairs Division  
Office of the Insurance Commissioner  
PO Box 40255  
Olympia, WA 98504-0255

1. On September 19, 2014, Benefit Marketing Solutions, LLC (“BMS”) and Benefit Services Association (“BSA”) filed a Motion for Stay of Amended Cease and Desist Order. I have considered the Motion, the OIC’s Response, filed September 25, 2014, and BMS and BSA’s Reply, filed September 30, 2014.

2. The Motion requests that the Amended Cease and Desist Order issued by the OIC on May 15, 2014, be stayed until I can determine “the threshold legal issue of the

Washington Office of Insurance Commissioner's jurisdiction and authority to regulate BMS and BSA."

3. By Order on Motion for Stay of Amended Cease and Desist Order, filed August 7, 2014, I stayed the Amended Cease and Desist Order until the Thurston County Superior Court resolved the Declaratory Judgment Action pending before it in Cause No. 14-2-01156-1. In brief, the Order was based on: 1) the existence of a substantial issue as to OIC jurisdiction; 2) apparent lack of serious risk to Washington State policyholders -- based on the lack of administrative complaints, lawsuits and/or other adverse consumer consequences, and the availability of a CLIP policy approved by the Oklahoma Department of Insurance; 3) significant adverse consequences to BMS and BSA absent a stay; and 4) conservation of judicial resources and avoiding potentially inconsistent determinations.

4. In my Order Consolidating Cases, Notice of Hearing and Scheduling Order, filed September 26, 2014, I dissolved the stay granted in the August 7, 2014, Order, based on the Thurston County Superior Court's August 29, 2014, dismissal of the Declaratory Judgment Action.

5. RCW 48.04.020 provides that in cases where no automatic stay exists, such as the present matter, the Commissioner may grant a stay upon written request. BMS and BSA have made such written request.

6. For the reasons stated in my August 7, 2014, Order, I believe a stay pending resolution of this matter is appropriate. Further, final briefs on dispositive motions are due October 10, 2014, and the evidentiary hearing is set for October 29, 2014, so the stay

will be brief – the legal and factual issues (if factual issues remain after dispositive motions rulings) will be resolved within approximately one month.

**Order.**

The Amended Cease and Desist Order is stayed pending my determination of the Washington Office of Insurance Commissioner's jurisdiction and authority to regulate BMS and BSA.

October 2, 2014

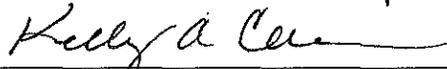


George A. Finkle, Superior Court Judge (Ret.)  
Presiding Hearing Officer

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: Gulliver Swenson, Esq., James T. Odiorne, John F. Hamje, AnnaLisa Gellermann, Esq. and Marcia Stickler, Esq.

DATED this 2nd Oct. day of May, 2014.



KELLY A. CAIRNS