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BEFORE THE STATE OF WASHINGTON
OFFICE OF INSURANCE COMMISSIONER

In the Matter of)	Docket No. 14-0114
)	
HENRY WILLIAM DAILEY,)	NOTICE OF HEARING
)	
Licensee.)	

TO: Henry William Dailey
16130 SE 42nd Street
Bellevue, WA 98006

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

This Notice is provided pursuant to RCW 48.04.010 and RCW 34.05.434.

On June 4, 2014, the Office of the Insurance Commissioner ("OIC") issued an Order Revoking License, No. 14-0114, effective June 23, 2014, revoking the Washington State insurance producer's license of Henry William Dailey. The Order was based upon the allegation that Mr. Dailey 1) sold annuity products that were not approved for sale in Washington State to senior consumers, in violation of RCW 48.18.100(1); and 2) knowingly made material false or misleading statements that the consumers were out of state when they completed the applications, in violation of RCW 48.30.210.

On June 17, 2014, Mr. Dailey filed a Demand for Hearing to contest the OIC's Order, asserting that he was following procedures outlined by Forethought Life, the company whose annuity

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products he was selling, and that he had received no complaints from that company's quality control department throughout the term of his contract.

On July 29, 2014, the undersigned held a first prehearing conference. The OIC was represented by Marcia Stickler, Esq., Insurance Enforcement Specialist in the OIC's Legal Affairs Division. Mr. Dailey appeared pro se, but stated that he expected to be represented in the future by Kenneth Kato, Esq., a Spokane attorney. After considering the views of the parties as to hearing dates and procedures:

- 1) Neither party expects to seek further written or deposition discovery.
- 2) By August 29, 2014, the OIC shall serve and file its Motion, if any, related to the issue preclusion effect of a King County Superior Court dispositive order in a proceeding in which Mr. Dailey was a party. By September 12, 2014, Mr. Dailey shall serve and file a Response to such Motion. By September 19, 2014, the OIC shall serve and file a Reply to such Response. I expect to rule without oral argument as soon as possible after briefing is complete.
- 3) The evidentiary hearing is set for 10 AM October 2, 2014, subject to possible limited adjustment of the hearing date if Mr. Kato or other counsel appear for Mr. Dailey in the near future and have a conflict on October 2. (In such case, Mr. Dailey's counsel shall meet and confer with the OIC's counsel in an effort to agree on a new hearing date that is available on my calendar.)

YOU ARE HEREBY NOTIFIED that a hearing will be held at the Office of the Insurance Commissioner, 5000 Capitol Blvd., Tumwater, WA, beginning on October 2, 2014, at 10:00 AM, Pacific Daylight Time. The hearing is expected to conclude on October 2, 2014, but will continue until terminated. The purpose of the hearing is to consider whether the Order Revoking License, revoking Mr. Dailey's Washington State insurance producer's license, should be upheld, set aside, or modified.

The hearing will be governed by the Administrative Procedure Act, Chapter 34.05 RCW, and the model rules of procedure contained in Chapter 10-08 WAC. All parties may be represented and may examine witnesses, respond, and present evidence and argument on all relevant issues.

A party who fails to attend or participate in the hearing or another stage of this proceeding may be held in default in accordance with Chapter 34.05 RCW. *See*, RCW 34.05.434(2)(i).

Judge George Finkle (Ret.), Presiding Officer, has been designated by the Insurance Commissioner to hear and determine this matter. The hearing will be held under the authority granted by the Insurance Commissioner under Chapter 48.04 RCW.

Pursuant to WAC 10-08-040(2) and in accordance with Ch. 2.42 RCW, if a limited English speaking or hearing impaired or speech impaired party or witness needs an interpreter, a qualified interpreter will be appointed. There will be no cost to the party or witness therefore, except as may be provided by Ch. 2.42 RCW. A Request for Interpreter form, with instructions, is attached to the original of this Notice.

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All case related documents and correspondence shall be directed to the Hearings Unit, Office of Insurance Commissioner, P.O. Box 40255, Olympia, Washington 98504-0255. All interested individuals and entities who have questions or concerns concerning this proceeding should direct them to the Hearings Unit paralegal, Kelly Cairns, at the same address. Ms. Cairns' telephone number is (360) 725-7002.

Dated: July 29, 2014



JUDGE GEORGE FINKLE (Ret.)
Presiding 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: Henry William Dailey, Mike Kreidler, James T. Odiorne, J.D., CPA, John F. Hamje, Esq., Marcia Stickler, Esq., and AnnaLisa Gellermann, Esq.,

DATED this 29th day of July, 2014.


KELLY A. CAIRNS

OFFICE OF INSURANCE COMMISSIONER
HEARINGS UNIT
Fax: (360) 664-2782

To request an interpreter, complete and mail this form to:

Presiding Officer
Hearings Unit
Office of Insurance Commissioner
P.O. Box 40255
Olympia, WA 98504-0255

REQUEST FOR INTERPRETER

I am a party or witness in Matter No. 14-0114 before the Insurance Commissioner. I NEED AN INTERPRETER and request that one be furnished.

Please check the statements that apply to you:

I am a non-English-speaking person. I cannot readily speak or understand the English language. My primary language is _____ (insert your primary language). I need an interpreter who can translate to and from the primary language and English.

I am unable to readily understand or communicate the spoken English language because:

- I am deaf.
- I have an impairment of hearing.
- I have an impairment of speech.

[Please state below or on the reverse side any details which would assist the Commissioner or Presiding Officer in arranging for a suitable interpreter or in providing appropriate mechanical or electronic amplification, viewing, or communication equipment.]

Date: _____

Signed: _____

Please print or type your name: _____

Address: _____

Telephone: _____