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5 **STATE OF WASHINGTON**  
6 **OFFICE OF THE INSURANCE COMMISSIONER**

7 *In the Matter of*

Docket No. 14-0210

8 **KYLE E. BRADBURY,**

OIC'S MOTION TO DISMISS

9 Applicant.

10  
11 **I. MOTION AND RELIEF REQUESTED**

12 The Office of the Insurance Commissioner ("OIC") moves for an order  
13 dismissing Kyle E. Bradbury's hearing demand on the ground that he has failed to  
14 timely demand a hearing as required by law. The Applicant therefore conclusively  
waived his right to a hearing and this tribunal lacks jurisdiction over the matter.

15 **II. STATEMENT OF FACTS**

16 On November 4, 2014, the OIC caused to be mailed and emailed an order  
17 revoking the Applicant's insurance producer license to the Applicant's most recent  
18 addresses listed in the Insurance Commissioner's licensing records. Pace Decl. Exs. 1- 3.  
19 Ninety-two (92) days later, on February 4, 2015, the OIC Hearings Unit received and  
20 filed the Applicant's demand for a hearing on the order. Pace Decl. Ex. 4.

21 **III. ARGUMENT AND AUTHORITY**

22 The Applicant's hearing demand is untimely, so it must be dismissed as a matter  
23 of law. To timely demand a hearing, a licensee aggrieved by an Insurance Commissioner  
24 order must demand the hearing within ninety (90) days after the Commissioner mailed  
25 the order to the licensee. RCW 48.04.010(3). "A hearing is considered demanded when  
26 the demand for hearing is received by the commissioner." WAC 284-02-070(1)(b)(ii).  
The Insurance Code is particularly lenient, as it grants applicants more than four (4)

1 times the standard twenty (20) days allotted by the Administrative Procedure Act to  
2 apply for an adjudicative proceeding. See RCW 48.04.010(3); RCW 34.05.410.

3 If the Commissioner receives an untimely hearing demand, the applicant's right  
4 to a hearing is conclusively waived. RCW 48.04.010(3). Further, an untimely request for  
5 a hearing deprives the agency of jurisdiction to hear the matter. See, e.g., *Smith v. Dep't*  
6 *of Labor & Indus.*, 1 Wn.2d 305, 308, 95 P.2d 1031 (1939); *Rutcosky v. Bd. of Trustees*,  
7 14 Wn. App. 786, 789, 545 P.2d 567 (1976). Absent jurisdiction, a court must dismiss the  
8 matter. *Ricketts v. The Bd. of Accountancy*, 111 Wn. App. 113, 116, 43 P.3d 548 (2002). A  
9 party may move to dismiss a complaint for lack of jurisdiction. See RCW 34.05.437(1).

10 Here, the Applicant demanded a hearing on the order over ninety (90) days after  
11 its mailing, and thus after his right to a hearing was conclusively waived and after the  
12 OIC lost jurisdiction to hear the matter. The OIC therefore respectfully submits that the  
13 Applicant's hearing demand must be dismissed as a matter of law.

#### 14 IV. CONCLUSION

15 For these reasons, the OIC requests that its motion to dismiss be granted and that  
16 the Presiding Officer enter an order dismissing the hearing demand as a matter of law.

17 DATED this 6<sup>th</sup> day of March, 2015.

18 MIKE KREIDLER  
19 Insurance Commissioner  
20 By and through his designee

21   
22 Drew Stillman  
23 Insurance Enforcement Specialist  
24 Legal Affairs Division  
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26

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3 CERTIFICATE OF MAILING

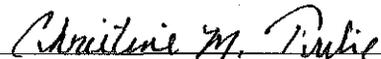
4 The undersigned certifies under the penalty of perjury under the laws of the State  
5 of Washington that I am now and at all times herein mentioned, a citizen of the United  
6 States, a resident of the State of Washington, over the age of eighteen years, not a party  
7 to or interested in the above-entitled action, and competent to be a witness herein.

8 On the date given below I caused to be served the foregoing OIC'S MOTION  
9 TO DISMISS on the following individuals in the manner indicated:

10 Kyle E. Bradbury  
11 105 South 3rd  
12 Walla Walla, WA 99362  
13 [kbradsducks@gmail.com](mailto:kbradsducks@gmail.com)  
14 **Via U.S. Mail and Email**

15 OIC Hearings Unit  
16 Attn: George A. Finkle, Presiding Hearings Officer  
17 Washington State Insurance Commissioner  
18 5000 Capitol Blvd  
19 Tumwater, WA 98501  
20 [hearings@oic.wa.gov](mailto:hearings@oic.wa.gov)  
21 **Via Hand Delivery and Email**

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SIGNED this 6<sup>th</sup> day of March, 2015, at Tumwater, Washington.

  
Christine M. Tribe

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**STATE OF WASHINGTON**  
**OFFICE OF THE INSURANCE COMMISSIONER**

*In the Matter of*  
  
**KYLE E. BRADBURY**  
  
Applicant.

Docket No.           14-0210  
  
DECLARATION OF JOSHUA  
PACE IN SUPPORT OF OIC'S  
MOTION TO DISMISS

I, Joshua Pace, declare as follows:

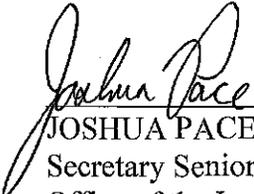
1. I am over the age of 18 and make this declaration based on my personal knowledge.
2. I am employed by the Washington State Office of the Insurance Commissioner ("OIC") as a Secretary Senior in the Legal Affairs Division.
3. As a Secretary Senior, I am responsible for preparing and sending out OIC orders for mailing.
4. I have knowledge of, and access to, the OIC's documents pertaining to the above-referenced matter.
5. On November 4, 2014, I caused to be mailed and emailed an order revoking Kyle Bradbury's insurance producer license to the most recent addresses listed for Kyle Bradbury in the Insurance Commissioner's licensing records.
6. Attached as Exhibit 1 is a copy of the OIC's Order Revoking License No. 14-210 including, at page 5, a certificate of mailing.

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- 7. Attached as Exhibit 2 is a copy of the OIC's Master Record Printouts, which shows Kyle Bradbury's most recent addresses listed in the OIC's licensing records.
- 8. Attached as Exhibit 3 is a copy of the email that I sent to Kyle Bradbury, which contained a copy of the order identified as Exhibit 1.
- 9. On February 5, 2015, the OIC Hearings Unit notified me via email that it had received and filed the Applicant's demand for a hearing on February 4, 2015. Attached as Exhibit 4 is a copy of the email correspondence from the OIC's Hearings Unit.

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Executed on the 6<sup>th</sup> day of March, 2015, at Tumwater, Washington.

  
\_\_\_\_\_  
JOSHUA PACE  
Secretary Senior  
Office of the Insurance Commissioner

STATE OF WASHINGTON  
OFFICE OF THE INSURANCE COMMISSIONER

*In The Matter of*

**KYLE E. BRADBURY,**

Licensee.

ORDER NO. 14-0210

WAOIC# 733657  
NPN 6238675

ORDER REVOKING LICENSE

To: Kyle E. Bradbury  
1105 SE Creekside Dr  
College Place, WA 99324

Kyle E. Bradbury  
105 South 3rd  
Walla Walla, WA 99362

kbradbur@amfam.com

**IT IS ORDERED AND YOU ARE HEREBY NOTIFIED** that your  
Washington State insurance producer license is **REVOKED**, effective **November 24,**  
2014, pursuant to RCW 48.17.530 and RCW 48.17.540(2).

**THIS ORDER IS BASED ON THE FOLLOWING:**

1. Kyle E. Bradbury ("Bradbury") is a Washington resident insurance producer, WAOIC No.733657.
2. The Insurance Commissioner conducted an investigation that revealed that Bradbury accepted premium payments from Whitman Planned Unit Development HOA ("Whitman") and failed to provide insurance coverage or apply the premium to an insurance policy.
3. Whitman paid Bradbury a \$1,236 premium for commercial general

ORDER REVOKING LICENSE  
ORDER NO. 14-0210

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State of Washington  
Office of Insurance Commissioner  
Insurance 5000 Building  
PO Box 40255  
Olympia, WA 98504-0255

liability coverage for the period between January 2013 and January 2014. In return, Bradbury issued Whitman a Certificate of Liability Insurance and a payment receipt that purportedly identified Whitman's policy number and its insurer. In fact, the policy number identified in the documents belonged to an individual who was not one of Bradbury's customers. Further, there was no evidence that Bradbury started a quote for Whitman in the purported insurer's computer system. This left Whitman uninsured from January 2013 to January 2014.

4. The Insurance Commissioner sent Bradbury several inquiries, to which Bradbury provided only one partial response. In his response, Bradbury stated that he took Whitman's payment and bound coverage for Whitman. Bradbury claimed that he had an employee process Whitman's application and that the employee failed to finalize the process. Bradbury also claimed that the employee generated a declaration page that Bradbury signed and gave to Whitman. Although the Insurance Commissioner specifically asked for the identity of the employee, Bradbury never identified the employee and claimed that the employee no longer worked with him. Bradbury also asserted that it was his practice to deposit premium checks into his premium trust account, but that he never reviews the account.

#### APPLICABLE LAW:

1. RCW 48.17.530(1) authorizes the Insurance Commissioner to revoke an insurance producer's license for any one or more of the following causes:

- (b) Violating any insurance laws, or violating any rule, subpoena, or order of the Commissioner or of another state's insurance commissioner;
- (d) Improperly withholding, misappropriating, or converting any moneys or properties received in the course of doing insurance business;
- (h) Using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in this state or elsewhere.

2. By failing to timely respond to the Insurance Commissioner's inquiries, Bradbury violated RCW 48.17.475.

ORDER REVOKING LICENSE  
ORDER NO. 14-0210

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State of Washington  
Office of Insurance Commissioner  
Insurance 5000 Building  
PO Box 40255  
Olympia, WA 98504-0255

3. By failing to promptly account for and pay premium funds to the person entitled to the funds, Bradbury violated RCW 48.17.480.
4. By failing to account for and maintain premium funds in an account separate from all other business and personal funds, Bradbury violated RCW 48.17.600.
5. By making, issuing, or circulating a misrepresentation of the terms of an insurance policy, Bradbury violated RCW 48.30.090.
6. By collecting premium funds and failing to provide an insurance policy in due course, Bradbury violated RCW 48.30.190(1).
7. By failing to establish and maintain records and an appropriate accounting system for all premiums, Bradbury violated WAC 284-12-080(8).
8. By issuing or circulating a certificate and another document that contains false or misleading information, Bradbury violated WAC 284-30-355.

**IT IS FURTHER ORDERED** that you return your insurance producer license certificate to the Insurance Commissioner on or before the effective date of the revocation of your license, as required by RCW 48.17.530(4). Return your licenses to:

Licensing Manager  
Office of the Insurance Commissioner  
P. O. Box 40257  
Olympia, WA 98504-0257

Executed this 4<sup>th</sup> day of November, 2014.



MIKE KREIDLER  
Insurance Commissioner

By and through his designee



DREW STILLMAN  
Insurance Enforcement Specialist  
Legal Affairs Division

ORDER REVOKING LICENSE  
ORDER NO. 14-0210

1196437

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State of Washington  
Office of Insurance Commissioner  
Insurance 5000 Building  
PO Box 40255  
Olympia, WA 98504-0255

**NOTICE OF YOUR RIGHT TO A HEARING**

If you are aggrieved by this Order Revoking License, RCW 48.04.010 permits you to demand a hearing. You must demand a hearing in writing within 90 days after the date of this Order Revoking License or you will waive your right to a hearing.

*If the Insurance Commissioner receives your demand for a hearing before the effective date listed on the order revoking your license, the revocation will be automatically stayed (postponed) and your license will remain in effect pending the hearing.*

Your demand for a hearing should be sent to the following address and must briefly state how you are harmed by this decision and why you disagree with it:

Hearings Unit  
Office of the Insurance Commissioner  
PO Box 40255  
Olympia, WA 98504

You will be notified of the time and place of your hearing. If you have questions about filing a demand for hearing or the hearing process, please telephone the Hearings Unit at (360) 725-7002 or send an email to [HearingsU@OIC.wa.gov](mailto:HearingsU@OIC.wa.gov).

ORDER REVOKING LICENSE  
ORDER NO. 14-0210

1196437

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State of Washington  
Office of Insurance Commissioner  
Insurance 5000 Building  
PO Box 40255  
Olympia, WA 98504-0255

CERTIFICATE OF MAILING

The undersigned certifies under the penalty of perjury under the laws of the state of Washington that I am now and at all times herein mentioned, a citizen of the United States, a resident of the state of Washington, over the age of eighteen years, not a party to or interested in the above-entitled action, and competent to be a witness herein.

On the date given below I caused to be served the foregoing **ORDER REVOKING LICENSE** on the following individual via US Mail and Email.

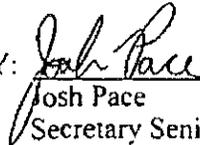
Kyle E. Bradbury  
1105 SE Creekside Dr  
College Place, WA 99324

Kyle E. Bradbury  
105 South 3rd  
Walla Walla, WA 99362

kbradbur@amfam.com

Dated this 4<sup>th</sup> day of November, 2014, in Tumwater, Washington.

SIGNED BY:

  
\_\_\_\_\_  
Josh Pace  
Secretary Senior

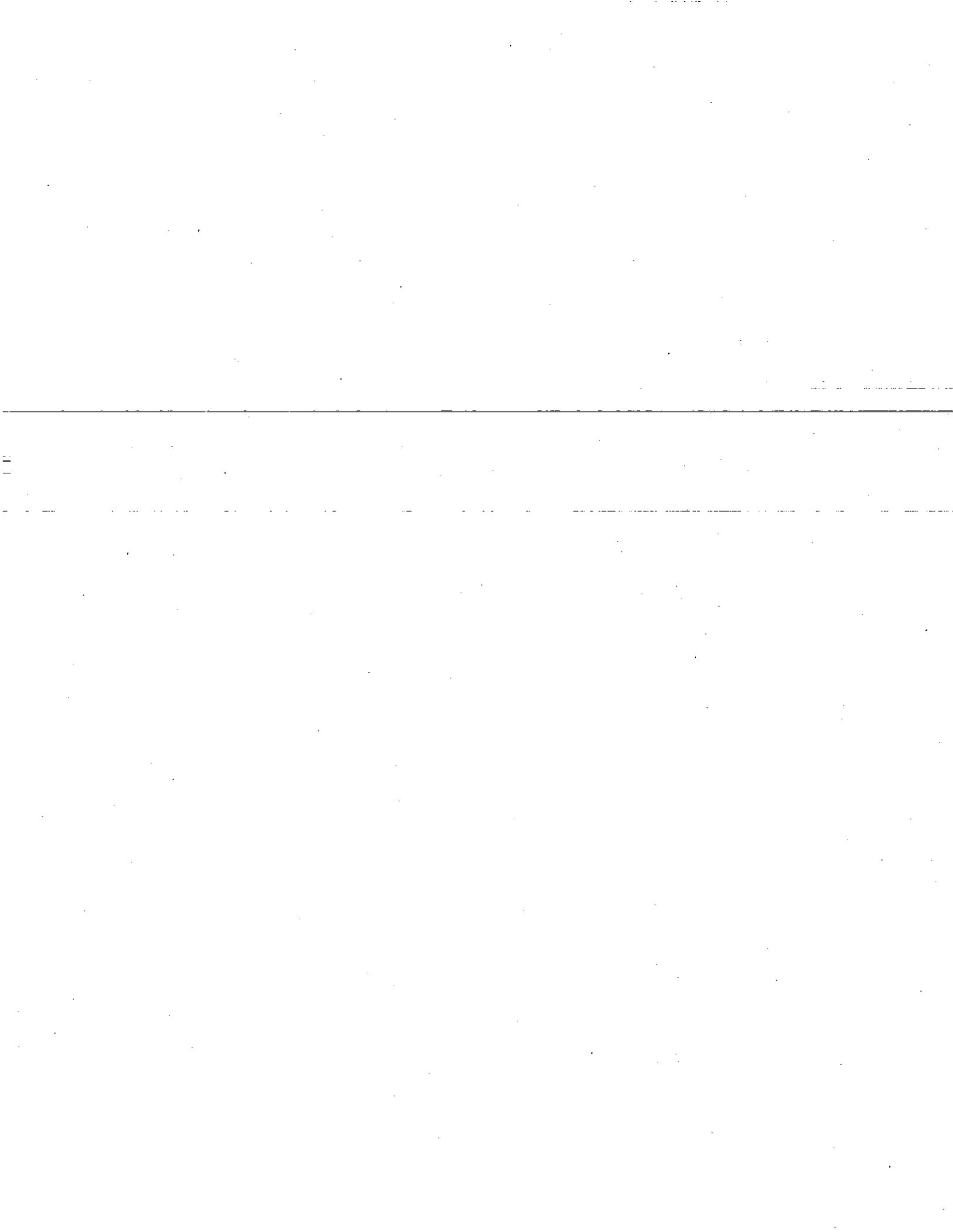
ORDER REVOKING LICENSE  
ORDER NO. 14-0210

1196437

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State of Washington  
Office of Insurance Commissioner  
Insurance 5000 Building  
PO Box 40255  
Olympia, WA 98504-0255

Pace Decl. Exhibit 1 - Page 5 of 5





MASTER RECORD PRINTOUT

Individual Information:

WAOIC # : 733657 Licensee Name : BRADBURY, KYLE E  
Resident : Yes CRD Number :

DBA Name	Created Date	Cancel Date
KYLE BRADBURY AGENCY	01/15/2009	

Mailing Address:

105 SOUTH 3RD  
WALLA WALLA WA 99362  
Tel: 509-876-2777 Ext:  
Fax: 509-876-2408  
Email: kbradbur@amfam.com

Business Address:

105 SOUTH 3RD  
WALLA WALLA WA 99362  
Tel: 509-876-2777 Ext:  
Fax: 509-876-2408  
Email: kbradbur@amfam.com

Residence Address:

1105 SE CREEKSIDE DR  
COLLEGE PLACE WA 99324  
Tel: 509-956-9832 Ext:

License Details:

License Type : Insurance Producer Effective Date : 07/01/2009 Cancel Date :  
Lines : Life, Disability, Property, Casualty Expiry Date : 02/10/2016 Status : Active

Appointments:

Company Name	Company #	Appt. Type	Effective Date	Expiry Date	Cancel Date
FOREMOST INSURANCE COMPANY	481	RAP	07/01/2009	01/02/2015	
FOREMOST SIGNATURE INSURANCE COMPANY	48242	RAP	07/01/2009	04/08/2016	

Affiliations:

Licensee	WAOIC #	Effective Date	Expiry Date	Cancel Date
BRADBURY KYLE AGENCY	738413	07/01/2009	01/15/2015	

License Details:

License Type : Agent Effective Date : 10/28/2008 Cancel Date :  
Lines : Life, Disability, Property, Casualty Expiry Date : Status : Moved to Producer (MTP) on 07/01/2009

Appointments:

Company Name	Company #	Lines	Appt. Type	Effective Date	Expiry Date	Cancel Date
AMERICAN FAMILY LIFE INSURANCE COMPANY	186799	L, D	RAP	11/14/2008	11/08/2009	03/23/2009
AMERICAN FAMILY MUTUAL INSURANCE COMPANY	186800	D, P, C	RAP	11/14/2008	11/08/2009	03/23/2009
AMERICAN STANDARD INSURANCE COMPANY OF WISCONSIN	186801	P, C	RAP	11/14/2008	11/08/2009	03/23/2009
FOREMOST INSURANCE COMPANY	481	P, C	RAP	01/20/2009		MTP
FOREMOST SIGNATURE INSURANCE COMPANY	48242	P, C	RAP	01/20/2009		MTP

Affiliations:

Licensee	WAOIC #	Lines	Effective Date	Expiry Date	Cancel Date
BRADBURY KYLE AGENCY	738413	L, D, P, C	01/15/2009		MTP

Borchert, Lisa ( Production Web 15 )

**LICENSEE MASTER INQUIRY**

WAOIC # 733657

**Licensee Details**

Name BRADBURY, KYLE E WAOIC # 733657 CIC / PIC #  
 DBA Name KYLE BRADBURY AGENCY

Documents Online Documents

**Mailing Address**

105 South 3rd  
 Walla Walla WA, 99362  
 Tel: 509-876-2777  
 Fax: 509-876-2408  
 email: kbradbuz@am/am.com

**Business Address**

105 South 3rd  
 Walla Walla WA, 99362  
 Tel: 509-876-2777  
 Fax: 509-876-2408  
 email: kbradbuz@am/am.com

License Type	Lines	Effective Date	Expiry Date	Cancel Date	Formed Date	Status
Insurance Producer	L, D, P, C	07/01/2009	02/10/2016		10/28/2008	Active
Agent		10/28/2008	02/10/2010	07/01/2009	10/28/2008	Moved to Producer

Taxable Premium Volume	2010	2011	2012	2013	2014
Taxable Premium Volume	N/A	N/A	N/A	N/A	N/A

Cases by Division

- Total Cases count displays the number of unique cases closed for that year.
- The division counts display the number of closed cases assigned to that division. If the case was assigned to multiple divisions, the case will be included in each of the division counts.
- Total till Date is the count for both Closed and the Open Cases.

Orders Division

- Count against the years in the Orders Division is the count for the Orders Issued.
- Total till Date in the Orders Division is the Count for the total Orders.

SIMBA Version 22.1.1.1 (Production Web 15) Dated: April 8, 2014  
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MASTER RECORD PRINTOUT

Business Entity Information:

WAOIC # : 738413 Licensee Name : BRADBURY KYLE AGENCY  
Resident : Yes CRD Number :

Mailing Address:

105 SOUTH 3RD  
WALLA WALLA WA 99362  
Tel: 509-876-2777 Ext:  
Email: KBRADBURGAMFAM.COM

Business Address:

105 SOUTH 3RD  
WALLA WALLA WA 99362  
Tel: 509-876-2777 Ext:  
Fax: 509-876-2408  
Email: kbradbur@amfam.com

License Details:

License Type : Insurance Producer Effective Date : 07/01/2009 Cancel Date :  
Lines : Life, Disability, Property, Expiry Date : 01/15/2015 Status : Active  
Casualty

Designated Responsible Licensed Person (DRLP) :

DRLP Name : BRADBURY, KYLE E DRLP WAOIC # : 733657

Appointments:					
Company Name	Company #	Appt. Type	Effective Date	Expiry Date	Cancel Date
AMERICAN FAMILY LIFE INSURANCE COMPANY	186799	RAP	07/01/2009	11/08/2015	
AMERICAN FAMILY MUTUAL INSURANCE COMPANY	186800	RAP	07/01/2009	11/08/2015	
AMERICAN STANDARD INSURANCE COMPANY OF WISCONSIN	186801	RAP	07/01/2009	11/08/2015	

Affiliations:				
Licensee	WAOIC #	Effective Date	Expiry Date	Cancel Date
BRADBURY, KYLE E	733657	07/01/2009	01/15/2015	
GERLACH, BROOKE ALYSSA	739968	01/25/2010	01/15/2015	
HANEY, STACIE	802473	02/08/2012	01/15/2013	01/15/2013
MACK, AMANDA D	732973	03/27/2013	01/15/2015	
MCFARLAND, JESSE AARON	749681	06/27/2011	01/15/2013	01/15/2013
STUART, PRISCILLA	763810	11/12/2010	01/15/2013	11/13/2011
VLACHOS, TINA M	244291	01/25/2010	01/15/2015	
WALL, LIAM	847832	11/21/2013	01/15/2015	

License Details:

License Type : Agent Effective Date : 01/15/2009 Cancel Date :  
Lines : Life, Disability, Property, Expiry Date : Status : Moved to Producer  
Casualty (MTP) on 07/01/2009

Appointments:						
Company Name	Company #	Lines	Appt. Type	Effective Date	Expiry Date	Cancel Date
AMERICAN FAMILY LIFE INSURANCE COMPANY	186799	L, D	RAP	01/29/2009		MTP



MASTER RECORD PRINTOUT

AMERICAN FAMILY MUTUAL INSURANCE COMPANY	186800	D, P, C	RAP	01/29/2009		MTP
AMERICAN STANDARD INSURANCE COMPANY OF WISCONSIN	186801	P, C	RAP	01/29/2009		MTP
<b>Affiliations:</b>						
<b>Licensee</b>	<b>WAIC #</b>	<b>Lines</b>	<b>Effective Date</b>	<b>Expiry Date</b>	<b>Cancel Date</b>	
BRADBURY, KYLE E	733657	L, D, P, C	01/15/2009			MTP

**From** Pace, Josh (OIC) **Date** Tuesday, November 04, 2014 1:53:19 PM  
**To** 'kbradsducks@gmail.com'  
**Cc** Stillman, Drew (OIC)  
**Subject** Kyle E. Bradbury - Order Revoking License - No. 14-0210  
 **Order Revoking License No. 14-0210.pdf** (126 KB [HTML](#) )

Dear Mr. Bradbury:

Attached to this email is a copy of the Order Revoking License No. 14-0210. Hard copies are being sent to you as well in the mail.

Sincerely,

**Josh Pace**  
Secretary Senior  
Legal Affairs Division  
Washington State Office of the Insurance Commissioner  
PO Box 40255  
Olympia, WA 98504-0255  
(360) 725-7172 | [joshp@oic.wa.gov](mailto:joshp@oic.wa.gov)

[www.insurance.wa.gov](http://www.insurance.wa.gov) | [twitter.com/WA\\_OIC](https://twitter.com/WA_OIC) | [wainsurance.blogspot.com](http://wainsurance.blogspot.com) | [email/text alerts](#)

*Protecting insurance consumers*  
Insurance Consumer Hotline 1.800.562.6900



**From** Cairns, Kelly (OIC) **Date** Thursday, February 05, 2015 9:58:35 AM  
**To** Stillman, Drew (OIC); Myrum, Candice (OIC)  
**Cc** Pace, Josh (OIC); Marshall, Kathy (OIC)  
**Subject** New Demand for Hearing from Kyle Bradbury  
 [bradbury-demand.pdf](#) (37 KB [HTML](#))

The attached demand for hearing was received and filed yesterday.

Kelly



FILED

February 1<sup>st</sup>, 2015

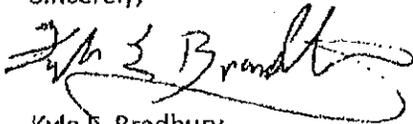
In the matter of ORDER NO. 14-0210, WAOIC# 733657, NPN 6238675: <sup>2015 FEB -11 P 12: 04</sup>

I, Kyle E. Bradbury am aggrieved by this action and am requesting a hearing based on RCW 48.04.010. I live in Eastern Washington and am also asking the hearing be held in Spokane for easier travel/accommodations. This action unfairly takes away my ability to earn an income in the insurance industry where I've spent the last 6 years. I know that in the last 6 years I have never once had a claim filed against me and I've spent countless hours dedicated to NAIFA as a local president and member. I believe with this being my first incident the removal of my license is too drastic of a measure.

In regards to Whitman PUD and items 1-8:

I will show at the hearing that they are inaccurate. I worked as an agent for American Family Mutual Insurance Company and, therefore, my office has the authority to bind coverage on the companies behalf. Also, when it was brought to my attention from Whitman PUD I refunded the money. I have proof of a deposit into my premium trust account of the check from Whitman PUD and copies of the refunded check. There is NO PROOF that I, personally, was at fault for the mistake. Also, It is customary for our agents to issue a certificate of insurance once premium is taken. Lastly, my office did run an actual quote or there would be no reason for Whitman PUD to write such a specific amount on the check as to pay the premium in full.

Sincerely,



Kyle E. Bradbury

[kbradsducks@gmail.com](mailto:kbradsducks@gmail.com)

509-956-9832

