



STATE OF WASHINGTON

OFFICE OF ADMINISTRATIVE HEARINGS 2015 OCT -7 A 9:59

949 Market Street • Suite 500 • Tacoma, Washington 98402
(253) 476-6888 • FAX (253) 593-2200 • www.oah.wa.gov

HEARINGS UNIT
OFFICE OF
INSURANCE COMMISSIONER

October 5, 2015

David Pelz
c/o Cliff J. Wilson
Smith Freed Eberhard PC
111 SW 5th Ave., Suite 4300
Portland, OR 97204

Drew Stillman, Ins. Enforcement Specialist
Office of Insurance Commissioner
PO Box 40255
Olympia, WA 98504-0255

Re: In the Matter of David Pelz
OAH Dkt. No. 09-2015-INS-00004

Dear David Pelz and Drew Stillman,

Enclosed is the dismissal order issued in the above-cited case. This matter has been dismissed. If you believe that it has been dismissed in error, you may petition to vacate the dismissal order. You must file the petition within seven (7) days from the date of this letter. Your petition should explain why the dismissal order should be vacated. "File" means to deliver to the Office of Administrative Hearings during regular business hours at the following address:

Office of Administrative Hearings
949 Market Street, Ste. 500
Tacoma, WA 98402

At the time of filing, you must also serve your petition on all other parties either by personal delivery or by mailing a copy to them; their addresses may be found in the Certificate of Service attached to the back of the dismissal order.

On the eighth day following the date of this letter, if no petition to vacate has been filed, this dismissal order becomes an initial order of dismissal. The initial order of dismissal does not become a final order of dismissal until the Insurance Commissioner reviews it. The Insurance Commissioner's Chief Hearing Officer will automatically review the initial order of dismissal and issue a final order of dismissal.

In addition to this automatic review, you may file a Petition for Review of the initial order of dismissal. If you file a Petition for Review, the Chief Hearing Officer will consider your specific objections to the dismissal order and your arguments for a different result. You must file your



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Petition for Review with the Office of the Insurance Commissioner (OIC) within twenty (20) days of the date of this letter. "File" means to deliver to OIC during regular business hours at the following address:

Office of the Insurance Commissioner
Chief Hearing Officer
Hearings Unit, OIC
PO Box 40255
Olympia, WA 98504-0255

At the time of filing, you must also serve your Petition for Review on all other parties either by personal delivery or by mailing a copy to them; their addresses may be found in the Certificate of Service attached to the back of the dismissal order.

Your Petition for Review must specify all parts of the dismissal order that you dispute, and the evidence that supports your petition. Other parties may file a reply to your Petition for Review at the same address set out above within 10 days after service.

Sincerely,

A handwritten signature in cursive script that reads "Terry A. Schuh".

Terry A. Schuh
Administrative Law Judge

**WASHINGTON STATE
OFFICE OF ADMINISTRATIVE HEARINGS**

In The Matter Of:

David Pelz,

Licensee.

Docket No. 09-2015-INS-00004

INITIAL ORDER DISMISSING APPEAL

Agency: Office of the Insurance Commissioner

Agency No. 15-0179

By Withdrawal of Proposed Consent Order Levying a Fine, the Office of the Insurance Commissioner withdrew the subject matter of the Licensee's appeal.

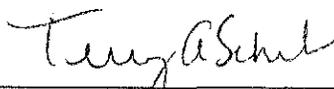
Based on the case file and the agency's withdrawal, no issue remains for resolution by the Office of Administrative Hearings. Accordingly, this matter should be and is hereby DISMISSED.

Now, Therefore,

IT IS ORDERED:

1. This matter is DISMISSED.
2. All hearing dates are stricken and all appointments cancelled.

Ordered and issued at Tacoma, Washington, on the date of mailing.



Terry A. Schuh
Administrative Law Judge
Office of Administrative Hearings

APPEAL RIGHTS

Petition to Vacate:

This matter has been dismissed. If you believe that it has been dismissed in error, you

may petition to vacate the dismissal.¹ You must file the petition within seven (7) days from the date OAH mailed this order.² It should explain why this order should be vacated.³ "File" means served on all other parties and delivered during business hours.⁴ Mail a copy to the other parties at the addresses in the Certificate of Mailing below.

Deliver the Petition to Vacate to the following address:

The Office of Administrative Hearings
949 Market Street, Suite 500
Tacoma, WA 98402

Final Order:

An initial order does not become a final order until the Insurance Commissioner reviews it.⁵ The Insurance Commissioner's Chief Hearing Officer will automatically review this matter and issue a final order.

Petition for Review:

In addition to the automatic review, any party may file a Petition for Review.⁶ If you file a Petition for Review, the Chief Hearing Officer will consider your specific objections to the Initial Order and your arguments for a different result.

You must file your Petition for Review with the Office of the Insurance Commissioner (OIC) within twenty (20) days of the date OAH mailed the Initial Order.⁷ "File" means served on all other parties and delivered during business hours.⁸ Mail a copy to the other parties at the addresses in the Certificate of Mailing below.

The Petition for Review must specify all parts of the Initial Order that you dispute and the evidence that supports the Petition.⁹ Other parties may file a reply to the Petition within 10 days after the petitioner serves the Petition.¹⁰

¹ RCW 34.05.440(3).

² RCW 34.05.440(3).

³ RCW 34.05.440; WAC 10-08-110.

⁴ WAC 10-08-110.

⁵ WAC 284-02-070(2)(c)(i).

⁶ RCW 34.05.464; WAC 10-08-211.

⁷ WAC 10-08-211.

⁸ WAC 10-08-110.

⁹ WAC 10-08-211(3).

¹⁰ WAC 10-08-211(4).

Deliver the Petition for Review and the Reply to the following address:

Office of Insurance Commissioner
Chief Hearing Officer
Hearings Unit, OIC
PO Box 40255
Olympia, WA 98504-0255

CERTIFICATE OF MAILING IS ATTACHED

CERTIFICATE OF SERVICE FOR OAH DOCKET NO. 09-2015-INS-00004

I certify that true copies of this document were served from Tacoma, Washington upon the following as indicated:

<p>David Pelz c/o Cliff J. Wilson Smith Freed Eberhard P.C. 111 SW 5th Ave. Suite 4300 Portland, OR 97204 <i>Appellant</i></p>	<p><input checked="" type="checkbox"/> First Class Mail, Postage Prepaid <input type="checkbox"/> Certified Mail, Return Receipt <input type="checkbox"/> Hand Delivery via Messenger <input type="checkbox"/> Campus Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> E-mail</p>
<p>Cliff J. Wilson, Attorney at Law Smith Freed & Eberhard P.C. 111 SW 5th Avenue, Suite 4300 Portland, OR 97204 <i>Appellant Representative</i></p>	<p><input checked="" type="checkbox"/> First Class Mail, Postage Prepaid <input type="checkbox"/> Certified Mail, Return Receipt <input type="checkbox"/> Hand Delivery via Messenger <input type="checkbox"/> Campus Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> E-mail</p>
<p>Drew Stillman, Ins Enforcement Specialist Office of the Insurance Commissioner Legal Affairs Division PO Box 40255 Olympia, WA 98504 <i>Agency Representative</i></p>	<p><input checked="" type="checkbox"/> First Class Mail, Postage Prepaid <input type="checkbox"/> Certified Mail, Return Receipt <input type="checkbox"/> Hand Delivery via Messenger <input type="checkbox"/> Campus Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> E-mail</p>
<p>Kelly Cairns Office of Insurance Commissioner PO Box 40255 Olympia, WA 98504 <i>Agency contact</i></p>	<p><input checked="" type="checkbox"/> First Class Mail, Postage Prepaid <input type="checkbox"/> Certified Mail, Return Receipt <input type="checkbox"/> Hand Delivery via Messenger <input type="checkbox"/> Campus Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> E-mail</p>

Date: Monday, October 05, 2015

OFFICE OF ADMINISTRATIVE HEARINGS



Dora R Fitzpatrick for
Julie Wescott
Legal Assistant 2