

THE LAW FIRM OF
HADEN & HADEN
FILED

November 9, 2015

2015 NOV 10⁹ P 3:50
HEARINGS UNIT
OFFICE OF
INSURANCE COMMISSIONER

VIA US MAIL

Office of Insurance Commissioner
ATTN: Hearings Unit
PO Box 40255
Olympia, WA 98504-0255

Re: Request for administrative hearing, Order No. 15-0183

Dear Hearings Unit,

This is a written request for an administrative hearing regarding the proposed action in OIC order no. 15-0183. I represent Comfort Dental Gold Plan ("CDGP"), and Colorado LLC, as attorney and this request is sent on CDGP's behalf.

In this order the Commissioner proposes to levy a fine of \$5000 against CDGP for allegedly selling a medical discount plan without a license in violation of Washington law.

The Commissioner's proposed fine is unfair and disproportionate relative to CDGP's alleged conduct, even if one concedes that the OIC's portrayal of the facts in this case is true. CDGP is harmed by the Commissioner's proposed action because the proposed fine will require CDGP to pay the state of Washington despite any evidence of harm to any citizen of the state of Washington.

In this case, the OIC's own version of the facts state that this investigation began with an inquiry from a CDGP patient who called the office to complain that the OIC was preventing the patient from utilizing CDGP's services. The patient was upset because CDGP had voluntarily stop selling its memberships in Washington after CDGP became aware that selling its products may require a license under Washington law.

From investigation of this complaint (which was actually a complaint against the OIC), it was the stated position of the OIC that CDGP had violated Washington law. CDGP maintains that it does not believe CDGP violated any law the state of Washington, and that if CDGP did so it did so in ignorance. Further and more importantly, that at no time did CDGP ever defraud or injure a single CDGP customer with its products, and that CDGP acted in good faith to provide a legitimate product to the citizens of Washington.

As such, CDGP respectfully requests a hearing regarding the proposed action in OIC order no. 15-0183, and further requests that as an outcome of this hearing no fine and no other action be levied against CDGP.

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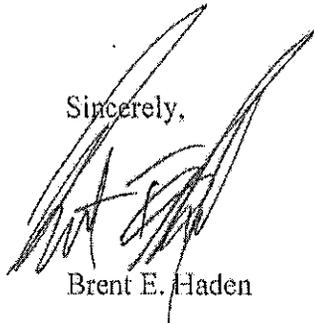
My contact information is as follows:

Brent Haden
The Law Firm of Haden & Haden
827 E. Broadway
Columbia, MO 65201
brent@hadenlaw.com
573-442-3535

A copy of the Commissioner's proposed order in this matter is attached to this request.

Please let me know if you have any questions regarding this request or if I can be of further assistance. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Brent E. Haden", is written over the word "Sincerely,".

Brent E. Haden

Cc: Marcia G. Stickler, Legal Affairs Division, OIC

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

<i>In the Matter of</i>)	
)	Order No. 15-0183
COMFORT DENTAL GOLD PLAN, LLC)	
)	CONSENT ORDER
)	LEVYING A FINE
Respondent)	
)	
)	

This Consent Order Levying a Fine ("Order") is entered into by the Insurance Commissioner of the state of Washington ("Insurance Commissioner"), acting pursuant to the authority set forth in RCW 48.02.060 and RCW 48.155.130(1), and Comfort Dental Gold Plan LLC. This Order is a public record and will be disseminated pursuant to Title 48 RCW and the Insurance Commissioner's policies and procedures.

BASIS:

1. Comfort Dental Gold Plan LLC is a Colorado-based company.
2. The Office of the Insurance Commissioner Consumer Advocacy division received an inquiry from a consumer who wanted to know why Washington state regulations were preventing the consumer from renewing his membership in the Comfort Dental Gold Plan, LLC ("Gold Plan" or the "Respondent"). The consumer was unhappy with the State of Washington preventing the Gold Plan from being sold, was satisfied with the Gold Plan, and desired to renew his membership in the Gold Plan. Gold Plan is a discount plan offered only for patients at Comfort Dental clinics.
3. Upon inquiry from the Office of the Insurance Commissioner, Respondent states that it is unaware of the requirement for licensure in Washington of its business model, but that on August 29, 2014, the Respondent ceased selling or renewing memberships after being informed by Washington state insurance regulators that it was the position of the state that the Comfort Dental Gold Plan must be licensed under Washington state law, and that it was further the position of the Office of the Insurance Commissioner that Comfort Dental Gold Plan would not be issued a license in its current operational model.
4. It is the position of the Comfort Dental Gold Plan that it did not violate any law of the State of Washington.
5. It is the position of the Office of the Insurance Commissioner that Comfort Dental Gold Plan is a discount plan that requires a license to operate under Washington law, and that Comfort Dental Gold Plan violated RCW 48.155.020, and believes that such violation justifies the imposition of a fine on Respondent.

CONSENT TO ORDER:

The Insurance Commissioner of the state of Washington and the Respondent agree that the best interest of the public will be served by entering into this Order. NOW, THEREFORE, the Respondent, without admitting any wrongdoing or fault, consents to the following in consideration of its desire to resolve this matter without further administrative or judicial proceedings. The Insurance Commissioner consents to settle this matter in consideration of the Respondent's payment of a fine, and upon such terms and conditions, as are set forth below:

1. The Respondent consents to the entry of this Order, waives any and all hearing or other procedural rights, and further administrative or judicial challenges to this Order.
2. By agreement of the parties, the Insurance Commissioner will impose a fine of \$2,500 (Two Thousand Five Hundred Dollars) to be paid by October 10, 2015.
3. This Order and the violations alleged herein do not constitute admissible evidence that may be considered in any future action by the Insurance Commissioner involving the Respondent. The facts of this Order, and any allegation contained herein does not, and is not intended to, determine any factual or legal issue or have any preclusive or collateral estoppel effects in any lawsuit by any party.

EXECUTED this _____ day of _____, 2015.

COMFORT DENTAL GOLD PLAN LLC

By: _____

Printed Name: _____

Printed Corporate Title: _____

AGREED ORDER:

Pursuant to the foregoing factual Basis and Consent to Order, the Insurance Commissioner of the state of Washington hereby Orders as follows:

1. The Respondent shall pay a fine in the amount of \$2,500 (Two Thousand Five Hundred Dollars), receipt of which is hereby acknowledged by the Insurance Commissioner.

2. This Order and the violations alleged herein do not constitute admissible evidence that may be considered in any future action by the Insurance Commissioner involving the Respondent. The facts of this Order, and any allegation contained herein does not, and is not intended to, determine any factual or legal issue or have any preclusive or collateral estoppel effects in any lawsuit by any party.

ENTERED at Tumwater, Washington, this ____ day of _____ 2015.



MIKE KREIDLER
Insurance Commissioner

By and through his designee

MARCIA G. STICKLER
Insurance Enforcement Specialist
Legal Affairs Division