

BEFORE THE STATE OF WASHINGTON  
OFFICE OF INSURANCE COMMISSIONER

**FILED**

2015 OCT 26 P 1:44

In the Matter of )

**ACME FUEL COMPANY** )

**Docket No. 15-0220**

**ORDER TERMINATING  
PROCEEDINGS**

HEARINGS UNIT  
OFFICE OF  
INSURANCE COMMISSIONER

**TO:** Christophe Allen, Vice President  
Acme Fuel Company  
416 State Avenue NE  
Olympia, WA 98501

**COPY TO:** Mike Kreidler, Insurance Commissioner  
James T. Odiorne, J.D., CPA, Chief Deputy Insurance Commissioner  
Steven E. Drutz, Chief Financial Analyst, Company Supervision Division  
Mandy Weeks, Insurance Enforcement Specialist, Legal Affairs Division  
AnnaLisa Gellermann, 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 September 16, 2015, Chase H. Davis, Senior Financial Analyst for the Office of the Insurance Commissioner ("OIC"), sent Christophe Allen, Vice President of the Acme Fuel Company ("Acme"), a Proposed Consent Order Levying a Fine, No. 15-0220, proposing the imposition of a fine against Acme, in lieu of other administrative action, for failure to timely submit its Annual Report for 2014, as required for registered home heating fuel service contract providers per RCW 48.111.030(1).

In a letter filed September 18, 2015, Mr. Allen filed a Demand for Hearing on the proposed imposition of a fine ("Demand") on behalf of Acme.

On October 2, 2015, the undersigned held a first prehearing conference. The OIC was represented by Mandy Weeks, Attorney at Law, Insurance Enforcement Specialist in the OIC's Legal Affairs Division. Acme was represented by Mr. Allen. In the Notice of Hearing, filed October 7, 2015, the undersigned set the evidentiary hearing for November 17, 2015.

On October 21, 2015, the OIC filed with the Hearings Unit a copy of a Revised Consent Order Levying a Fine, No. 15-0245, executed by Mr. Allen on behalf of Acme on October 15, 2015, and

the OIC on October 20, 2015. A copy of the Revised Consent Order, which sets forth the terms of the parties' settlement agreement, is attached hereto.

Now, therefore

**ORDER**

By execution of the Revised Consent Order, the parties have fully settled this Matter. This Matter is dismissed with prejudice.

Dated: October 26, 2015



\_\_\_\_\_  
WILLIAM G. PARDEE  
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: Christophe Allen, Mike Kreidler, James T. Odiorne, J.D., CPA, Steven E. Drutz, Mandy Weeks, and AnnaLisa Gellermann.

DATED this 26<sup>th</sup> day of October, 2015.

  
\_\_\_\_\_  
KELLY A. CAIRNS

**FILED**

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

2015 OCT 21 A 9:53

HEARINGS UNIT  
OFFICE OF  
INSURANCE COMMISSIONER

*In the Matter of*

**ACME FUEL COMPANY,**

Authorized Insurer.

Order No. 15-0245

Prior Order No. 15-0220

WAOIC No. 259919

**REVISED CONSENT ORDER  
LEVYING A FINE**

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, RCW 48.111.100, and Acme Fuel Company. 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. Acme Fuel Company ("the Company") is an authorized home heating fuel service contract provider, domiciled in Washington State and duly authorized to engage in the business of providing home heating fuel service contracts in the state of Washington. The Company was first registered in Washington on June 20, 2006.

2. The Company filed its 2014 Annual Report on March 18, 2015, over two weeks late.

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A FINE  
ORDER NO. 15-0245

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3. RCW 48.111.030 requires that every registered home heating fuel service contract provider shall file an annual report for the preceding calendar year with the Insurance Commissioner on or before March 1<sup>st</sup> of each year.

4. RCW 48.111.100(3) provides that if the Commissioner finds that grounds exist for the suspension or revocation of a registration issued under this chapter, the Commissioner may, in lieu of suspension or revocation, impose a fine upon the home heating fuel service contract provider in an amount not more than one thousand dollars per violation.

#### CONSENT TO ORDER:

The Insurance Commissioner of the state of Washington and the Company agree that the best interest of the public will be served by entering into this Order. NOW, THEREFORE, the Company 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 Company's payment of a fine, and upon such terms and conditions as are set forth below:

1. The Company withdraws its request for hearing filed under Order No. 15-0220 and requests that Presiding Officer William Pardee enter an Order Terminating Proceedings in this matter.

2. The Company acknowledges its duty to comply fully with the applicable laws of the state of Washington.

3. The Company 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.

4. By agreement of the parties, the Insurance Commissioner will impose a fine of \$750.00 (Seven Hundred Fifty Dollars) all of which is suspended on the condition that:

REVISED CONSENT ORDER LEVYING  
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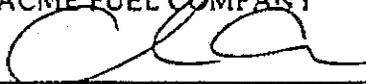
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- a. The Company commits no further violations of the statutes and/or regulations that are the subject of this Order for a period of two years from the date this Order is entered.
  - b. The suspended portion of this fine will be imposed at the sole discretion of the Insurance Commissioner according to the conditions as set forth above, without any right to hearing, appeal or advance notice.
5. The Company understands and agrees that any further failure to comply with the statutes and/or regulations that are the subject of this Order constitutes grounds for further penalties, which may be imposed in direct response to further violations.
6. This Order and the violations set forth herein constitute admissible evidence that may be considered in any future action by the Insurance Commissioner involving the Company. However, the facts of this Order, and any provision, finding or conclusion 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 other than the Insurance Commissioner.

EXECUTED this 15 day of October, 2015.

ACME FUEL COMPANY

By: 

Printed Name: Christophe Allen

Printed Corporate Title: Vice President

**AGREED ORDER:**

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

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1. The Company shall pay a fine in the amount of \$750.00 (Seven Hundred Fifty Dollars), of which amount the sum of \$750.00 (Seven Hundred Fifty Dollars) is suspended on the condition that the Company fully complies with the statutes and/or regulations of the state of Washington which are the subject of this Order for the next two years.

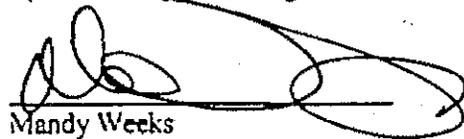
2. This Order and the violations set forth herein constitute admissible evidence that may be considered in any future action by the Insurance Commissioner involving the Company. However, the facts of this Order, and any provision, finding or conclusion contained herein does not, and is not intended to, determine any factual or legal issue or have any preclusive or collateral estoppel effects in any lawsuit by any party other than the Insurance Commissioner.

ENTERED at Tumwater, Washington, this 20th day of OCTOBER, 2015.



MIKE KREIDLER  
Insurance Commissioner

By and through his designee



Mandy Weeks  
Insurance Enforcement Specialist  
Legal Affairs Division

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