

BEFORE THE STATE OF WASHINGTON  
OFFICE OF INSURANCE COMMISSIONER

**FILED**

2016 MAY 11 A 10:26

HEARINGS UNIT  
OFFICE OF  
INSURANCE COMMISSIONER

In the Matter of:

Juan C. Barajas,

Licensee.

Docket No. 16-0007

**FINDINGS OF FACT, CONCLUSIONS  
OF LAW AND FINAL ORDER**

**TO:** Juan C. Barajas  
221 E. 4<sup>th</sup> Avenue  
Kennewick, WA 99336

**COPY TO:** Mike Kreidler, Insurance Commissioner  
James T. Odiorne, J.D., CPA, Chief Deputy Insurance Commissioner  
John F. Hamje, Deputy Commissioner, Consumer Protection Division  
Jeff Baughman, Licensing & Education Manager, Consumer Protection Division  
AnnaLisa Gellermann, Deputy Commissioner, Legal Affairs Division  
Drew Stillman, Insurance Enforcement Specialist, Legal Affairs Division  
Office of the Insurance Commissioner  
PO Box 40255  
Olympia, WA 98504-0255

**BACKGROUND**

1. On January 13, 2016, the Office of the Insurance Commissioner ("OIC") issued an Order Revoking License, No. 16-0007 ("Order Revoking"), effective February 9, 2016, revoking Mr. Barajas' Washington State insurance producer's license.
2. On February 5, 2016, Mr. Barajas filed a Demand for Hearing ("Demand") with the OIC Hearings Unit requesting a hearing to contest the Order Revoking. The Order Revoking was thereby automatically stayed pending entry of Findings of Fact, Conclusions of Law, and Final Order.
3. On February 9, 2016, William G. Pardee, Reviewing Officer, issued to Mr. Barajas a Notice of Receipt of Demand for Hearing, acknowledging the OIC's receipt of his Demand. On that same date, Mr. Pardee transmitted the Demand and Mr. Barajas' case to the Office

of Administrative Hearings (“OAH”), and requested that an Administrative Law Judge (“ALJ”) from OAH as presiding officer conduct an evidentiary hearing, and issue an initial order in this matter.

4. On March 16, 2016, ALJ Lisa N.W. Dublin of OAH, acting as Presiding Officer, conducted an evidentiary hearing on Mr. Barajas’ Demand. On April 7, 2016, Judge Dublin entered an Initial Order in this matter which contained findings of fact and conclusions of law.
5. ALJ Dublin’s Initial Order was transmitted to me, as Reviewing Officer, for review and for entry of Findings of Fact, Conclusions of Law, and Final Order, pursuant to RCW 34.05.464.
6. I have reviewed and considered the record in this matter, including the evidence presented to ALJ Dublin.
7. I have given due regard to ALJ Dublin’s opportunity to observe the witnesses, pursuant to RCW 34.05.464(4).

#### **FINDINGS OF FACT**

I adopt the Findings of Fact in ALJ Dublin’s Initial Order, supplemented as follows:

Paragraph 4.4 of the Initial Order notes in part that Mr. Barajas completed a Uniform Application for Individual Producer License/Registration (“Application”) in order to obtain an insurance producer license in the state of Washington, and cites Exhibits 1 and 7 for this statement. Paragraph 4.4 also adds that Mr. Barajas entered the false social security number in Box 1 of the Application.

Jeff Baughman, Licensing & Education Manager with the OIC’s Consumer Protection Division, clarified during his testimony that Exhibit 1, the hard copy printout of the information Mr. Barajas entered on his Application electronically online, does not include all of the information Mr. Barajas entered electronically on Exhibit 7 (or his Application). Rather, Mr. Baughman explained that personally identifiable information such as social security number, while stored electronically by the OIC in its database (see Exhibit 9 – Licensee Profile), is not part of the hard copy details of the Application. Hence the reason why Exhibits 1 and 7 in the record do not include the social security number Mr. Barajas entered on his Application.

#### **CONCLUSIONS OF LAW**

I adopt the Conclusions of Law in ALJ Dublin’s Initial Order.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL ORDER

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**ORDER**

Based on the foregoing Findings of Fact and Conclusions of Law, Juan C. Barajas' Washington insurance producer's license is hereby revoked.

May 11, 2016



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William G. Pardee  
Reviewing Officer

Pursuant to RCW 34.05.461(3), the parties are advised that they may seek reconsideration of this order by filing a request for reconsideration under RCW 34.05.470 with the undersigned within 10 days of the date of service (date of mailing) of this order. Further, the parties are advised that, pursuant to RCW 34.05.514 and 34.05.542, this order may be appealed to Superior Court by, within 30 days after date of service (date of mailing) of this order, 1) filing a petition in the Superior Court, at the petitioner's option, for (a) Thurston County or (b) the county of the petitioner's residence or principal place of business; and 2) delivery of a copy of the petition to the Office of the Insurance Commissioner; and 3) depositing copies of the petition upon all other parties of record and the Office of the Attorney General.

CERTIFICATE OF SERVICE

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 filed and served the foregoing Findings of Fact, Conclusions of Law and Final Order on the following people at their addresses listed below:

Juan C. Barajas  
221 E. 4<sup>th</sup> Avenue  
Kennewick, WA 99336

Mike Kreidler, Insurance Commissioner  
James T. Odiorne, J.D., CPA, Chief Deputy Insurance Commissioner  
John Hamje, Deputy Commissioner, Consumer Protection Division  
Jeff Baughman, Licensing & Education Manager, Consumer Protection Division  
AnnaLisa Gellermann, Deputy Commissioner, Legal Affairs Division  
Drew Stillman, Insurance Enforcement Specialist, Legal Affairs Division  
Office of the Insurance Commissioner  
PO Box 40255  
Olympia, WA 98504-0255

Dated this 11<sup>th</sup> day of May, 2016, in Tumwater, Washington.

  
Dorothy Seabourne-Taylor  
Paralegal  
Hearings Unit