

FILED

BEFORE THE STATE OF WASHINGTON
OFFICE OF INSURANCE COMMISSIONER 2016 OCT 11 A 10:13

HEARINGS UNIT
OFFICE OF
INSURANCE COMMISSIONER

In the Matter of:

**INSURANCE TRAINING ASSOCIATES
LLC,**

Continuing Insurance Education Provider.

Docket No. 16-0166

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

TO: Douglas Harness, Founder
Rex Winder, Director of Education
Insurance Training Associates, LLC
4504 SW Corbett Avenue, Suite 200
Portland, OR 97239

COPY TO: Mike Kreidler, Insurance Commissioner
James T. Odiorne, J.D., CPA, Chief Deputy Insurance Commissioner
Doug Hartz, Deputy Commissioner, Company Supervision Division
AnnaLisa Gellermann, Deputy Commissioner, Legal Affairs Division
Marcia Stickler, Insurance Enforcement Specialist, Legal Affairs Division
Office of the Insurance Commissioner
PO Box 40255
Olympia, WA 98504-0255

On September 16, 2016, this matter came before me in Tumwater, Washington, for evidentiary hearing, pursuant to the Notice of Hearing, filed August 17, 2016. Marcia Stickler, Attorney at Law, and Insurance Enforcement Specialist with the Office of the Insurance Commissioner's ("OIC's") Legal Affairs Division, appeared on behalf of the OIC. Douglas W. Harness, Founder and Instructor, appeared on behalf of Insurance Training Associates LLC ("ITA"). I have considered the testimony of the witnesses for both the OIC and ITA at the evidentiary hearing, the exhibits admitted into evidence, and the arguments of the parties.

FINDINGS OF FACT

1. On July 6, 2016, Marcia Stickler of the OIC, sent ITA a Consent Order Levying a Fine (Exhibit OIC-11 - "Order"), that alleges ITA did the following:

- ITA submitted rosters to the OIC, and issued certificates for continuing insurance education credit for two producers licensed in Washington State that signed out of a class 45 minutes early;
- ITA issued continuing insurance education credit for two producers licensed in Washington State that did not sign an attendance register;
- ITA submitted a roster for a producer licensed in Washington State that had signed an Oregon attendance register that did not meet requirements of the OIC; and
- ITA failed to maintain records of exams completed by producers licensed in Washington State.

2. In the Order, the OIC asserts these are violations of WAC 284-17-272, -273, -277, -281, -302, -304, and -306. The OIC seeks to impose a fine of \$1,200 against ITA per RCW 48.17.560 and WAC 284-17-302.

3. In a letter the OIC Hearings Unit received on August 1, 2016, Rex Winder, Director of Education of ITA, timely requested an administrative hearing to contest the Order.

4. I accept the testimony of Joe Mendoza (“Mendoza”), of the Producer Licensing and Oversight Program in the OIC’s Consumer Protection Division, that since 2007 he has been an educational analyst that has conducted audits and attended classrooms of insurance education providers.

5. I accept Mendoza’s testimony that since November 2007, ITA has been an OIC-approved continuing insurance education provider, and that ITA has 62 active courses, both classroom and online.

6. I accept the testimony of Mendoza that since November 2007, ITA has submitted to the OIC 1,089 rosters, including 1,023 self-study rosters, which include between 1,400-1,500 students from the state of Washington.

7. I reject the testimony of Douglas W. Harness (“Harness”) of ITA, Founder and Instructor, that ITA has no way of knowing before the beginning of a course whether insurance producers licensed in the state of Washington will attend courses it offers both online and in the Portland, Oregon, metropolitan area. The sheer number of attendees from the state of Washington at ITA’s courses since 2007 demonstrates that most of them have such attendees.

8. I accept the testimony of Mendoza that of the roughly 380 OIC-approved continuing insurance education providers, his unit conducts audits of approximately 20-25 of them annually. I also accept his testimony that during its audit of ITA, the OIC examined 5 classroom and 5 self-study classes ITA conducted.

9. A Washington Continuing Education Attendance Register (Exhibit OIC-4) that ITA submitted for a December 18, 2015 continuing insurance education class entitled “Auto Insurance – Coverage and Claims” (“Course No. 1”) includes sign-in and sign-out information for two producers from the state of Washington, Jimmy H. Van Norman Jr., and Ina Svirzhevskiy. The Register shows that the former arrived at 12:00 P.M., and departed at 3:00 P.M., while the latter

arrived at 12:35 P.M., and left at 3:00 P.M. The Register shows that another attendee arrived at 12:30 P.M., and left at 4:00 P.M.

10. I accept the testimony of Mendoza that Course No. 1 began at 12:30 P.M., and ended at 3:45 P.M.

11. Certificates of Completion that ITA submitted to the OIC on behalf of Jimmy H. Van Norman Jr. and Ina Svirzhevskiy (Exhibits OIC-5 and OIC-6), for Course No. 1, state that both individuals completed Course No. 1. However, as the Register (Exhibit OIC-4) indicates, neither individual completed Course No. 1, since both left 45 minutes early.

12. Exhibit OIC-1, which ITA submitted to the OIC, lists two producers in the state of Washington, Sheryl Smith and Luis M. Iniguez, attending Course No. 611496 entitled "Protecting Client Privacy" ("Course No. 2"), however it is not signed by either individual. It also states: "Not aware of any WA Agents attending." I accept the testimony of Mendoza that ITA has no attendance register for Course No. 2 that meets OIC requirements. Regardless, ITA later submitted Certificates of Completion (Exhibits OIC-2 and OIC-3) to the OIC for both individuals above for Course No. 2, stating that they completed Course No. 2. A screen shot from the OIC's internal database (SIMBA) - Exhibit OIC-7 - shows that ITA submitted rosters to the OIC for Course No. 2 for the two producers from the state of Washington, Sheryl Smith and Luis Iniguez.

13. I accept the testimony of Mendoza that Exhibit OIC-10, another document that ITA submitted to the OIC for a United Farmers Agents Association Continuing Education Class ("Course No. 3") on May 26, 2015, is not an OIC-approved attendance register form. As Mendoza explains, Exhibit OIC-10 does not contain the name of the class, and does not track arrival or departure time of the attendees. Exhibit OIC-10 contains the name of a producer in the state of Washington, Dorjee Nepali. Exhibit OIC-7B, a roster that ITA later submitted to the OIC for the May 26, 2015 class shows that Dorjee Nepali attended this class. ITA also submitted a Certificate of Course Completion to the OIC for Dorjee Nepali for the course above. See Exhibit ITA-8.

14. I accept the testimony of Harness of ITA, that on September 6, 2016 (months after the courses were completed, and ten days prior to the hearing before me), he attempted to recreate registers for Course Nos. 1-3 in OIC-approved form, and drove around gathering signatures for the licensed producers in the state of Washington, including Jimmy H. Van Norman Jr., Ina Svirzhevskiy, Sheryl Smith, Luis M. Iniguez, and Dorjee Nepali, who attended those classes. See Exhibits ITA-5, ITA-6, and ITA-7. Significant though is that the details, including arrival and departure times, do not match the registers created in real time, included at Exhibits OIC-1, OIC-4, and OIC-10, discussed above.

15. In response to inquiries from Mendoza about completed continuing insurance education exams for licensed producers in the state of Washington, and ITA providing the OIC student answers with scores, ITA answered in part:

We do not record the questions that are answered correctly nor the ones answered incorrectly. We only keep track of the final score once the producer gets a 70% or better grade. In 10 years we have never had an issue with an exam score being incorrect.

Exhibit OIC-8. An e-mail from one of ITA's IT consultants to Harness states: "The current site does not retain any of the actual exam data other than (sic) the results and time spend (sic)." Exhibit ITA-4.

16. An exemplar ITA provided the OIC of a completed exam (Exhibit OIC-9) only shows the exam questions (i.e., a blank test), but not the answers of individual students, including licensed producers in the state of Washington.

17. I accept the testimony of Harness that sponsors of ITA's continuing insurance education courses, typically local restoration companies, reach out to producers/licensees/agents (i.e., potential attendees). I also accept his testimony that as an instructor he is paid \$100 per hour to instruct continuing insurance education courses ITA offers, and that his wife owns ITA.

CONCLUSIONS OF LAW

1. This adjudicative proceeding was properly convened, and all substantive and procedural requirements under the laws of the state of Washington have been satisfied. This Order is entered pursuant to RCW Title 48, specifically RCW Ch. 48.04; RCW Title 34; and regulations pursuant thereto.

2. RCW 48.17.150(1) requires the Insurance Commissioner ("Commissioner") to establish by rule "minimum continuing education requirements for the renewal or reissuance of a license to an insurance producer."

3. RCW 48.17.150(3) mandates that the Commissioner "require that continuing education courses will be made available on a statewide basis in order to ensure that persons residing in all geographical areas of this state will have a reasonable opportunity to attend such courses."

4. RCW 48.17.010(5) defines "insurance education provider" as:

[A]ny insurer, health care service contractor, health maintenance organization, professional association, educational institution created by Washington statutes, or vocational school licensed under Title 28C RCW, or independent contractor to which the commissioner has granted authority to conduct and certify completion of a course satisfying the insurance education requirements of RCW 48.17.150.

(Emphasis added). See also WAC 284-17-210(15) ("Provider" or "insurance education provider" means any insurer, health care service contractor, health maintenance organization, professional association, educational institution, vocational school, or independent contractor authorized by the commissioner to conduct and certify completion of insurance education courses.")

5. RCW 48.17.563 provides the Commissioner with oversight over insurance education providers and their activities, and explains that the Commissioner may require insurance education providers to do certain things, and states:

(1) The commissioner may require insurance education providers to furnish specific information regarding their curricula, faculty, methods of monitoring attendance, and other matters reasonably related to providing insurance education under this chapter. The commissioner may grant approvals to such providers who demonstrate the ability to conduct and certify completion of one or more courses satisfying the insurance education requirements of RCW 48.17.150.

(2) Provider and course approvals are valid for the time period established by the commissioner and shall expire if not timely renewed. Each provider shall pay the renewal fee set forth in *RCW 48.14.010(1)(n).

(3) In granting approvals for courses required by **RCW 48.17.150(1)(d):

(a) The commissioner may require the availability of a licensed agent with appropriate experience on the premises whenever instruction is being offered; and

(b) The commissioner shall not deny approval to any provider on the grounds that the proposed method of education employs nontraditional teaching techniques, such as substituting taped lectures for live instruction, offering instruction without fixed schedules, or providing education at individual learning rates.

(Emphasis added).

6. RCW 48.17.560 sets out, in part, actions the Commissioner may take against an insurance education provider that violates the law following a hearing or via stipulation, and states:

After hearing or upon stipulation by the licensee or insurance education provider, and in addition to or in lieu of the suspension, revocation, or refusal to renew any such license or insurance education provider approval, the commissioner may levy a fine upon the licensee or insurance education provider. (1) For each offense the fine shall be an amount not more than one thousand dollars. (2) The order levying such fine shall specify that the fine shall be fully paid not less than fifteen nor more than thirty days from the date of the order. (3) Upon failure to pay any such fine when due, the commissioner shall revoke the licenses of the licensee or the approval(s) of the insurance education provider, if not already revoked. The fine shall be recovered in a civil action brought on behalf of the commissioner by the attorney general. Any fine so collected shall be paid by the commissioner to the state treasurer for the account of the general fund.

(Emphasis added).

7. In the Order, the OIC seeks to impose a fine of only \$1,200, far less than could have been imposed under RCW 48.17.560 based upon the violations Mendoza identified during the OIC's audit of ITA's business practices, and specifically documentation surrounding Course Nos. 1-3 ITA conducted, and exams completed through ITA by producers licensed in the state of Washington. Specifically, the facts show that ITA, as to Course Nos. 1-3, and its administration

Findings of Fact, Conclusions of Law and Final Order

No. 16-0166

Page 5

of exams, did not comply with regulations the OIC administers concerning continuing insurance education providers.

8. WAC 284-17-272 sets out the responsibilities of an approved continuing insurance education provider and states in part:

(1) In addition to meeting the relevant requirements of this chapter and any other applicable law or rule, an approved continuing education provider must:

(a) Provide the name and contact information of the continuing education program coordinator for the provider.

(b) The provider's continuing education program coordinator will be responsible for monitoring the provider's compliance with the continuing education insurance laws and rules of this state.

* * *

(2) The continuing education provider must designate a monitor who is responsible for using an attendance register for each classroom course or webinar course to verify that each attendee stayed for the entire presentation. The course instructor may be designated as the monitor.

* * *

(7) The continuing education provider must maintain a continuing education registration and completion record for a period of three years after the completion date of the course. The provider must also maintain a course approval record for three years after the last date the course is offered. The provider must maintain all other continuing education records for three years from the date the record is created.

(8) The continuing education provider must permit the commissioner to conduct unscheduled audits of any approved classroom course or webinar course in order to monitor the provider's continuing compliance with WAC 284-17-270 through 284-17-310.

(9) The format for providing this information is available on the commissioner's web site at www.insurance.wa.gov.

9. WAC 284-17-273 explains that an continuing insurance education provider must use an attendance register to document attendance for a classroom or webinar course, and states that such register must include the following information:

- (1) Continuing education provider's name and provider number;
- (2) Course title and course number;
- (3) Location of the classroom or instructor's location for a webinar;
- (4) Signature of the instructor or monitor for a classroom course;
- (5) For a classroom course, the attendee's:
 - (a) Name and phone number;
 - (b) Washington producer license number;

- (c) Arrival time;
- (d) Signature; and
- (e) Departure time with the attendee's initials.

An attendance register form for a classroom course is available on the insurance commissioner's web site.

- (6) For a webinar course, the attendee's:
 - (a) Name and phone number;
 - (b) Washington producer license number;
 - (c) Log-in time to join the class;
 - (d) Chat history and polling responses; and
 - (e) Log-out time that the attendee exited the class.

10. WAC 284-17-277 requires an continuing insurance education provider to maintain education records that must be made available to the Commissioner upon request, and states:

Insurance continuing education providers must maintain education records and make them available to the commissioner upon request. Records include:

- (1) Provider application, program director application, course application, and instructor or content developer resume that the continuing education provider submitted to the commissioner to request course and credit approval;
- (2) Course outline, study material, polling questions and exam that the continuing education provider submitted to the commissioner for approval;
- (3) Instructor lesson plan for each approved classroom course or webinar course;
- (4) Each licensee's registration, payment, attendance, participation and completion documentation;
- (5) The ten-day notice of subsequent presentation for each classroom course presented in Washington and all webinar courses;
- (6) The attendance register for each classroom course and webinar course;
- (7) Start and exit time, chat history, and polling responses for each licensee attending a webinar course;
- (8) Completed self-study course exam for each licensee completing a self-study course;
and
- (9) A copy of the completed certificate of completion issued to each licensee for an approved continuing education course.

(Emphasis added).

11. WAC 284-17-281 details the attendance requirements for licensees who attend continuing insurance education courses, and states in part:

- (1) For classroom courses:
 - (a) Attendance is based on personally identifiable information including government-issued photo identification and signature, with student participation and live interaction with the instructor;

(b) The continuing education provider must use a monitor in addition to the instructor if the classroom exceeds twenty attendees;

(c) The presentation is the amount of time devoted to the actual course instruction and does not include breaks, reviewing class rules, and introducing speakers;

(d) To verify course completion, licensees must attend the entire presentation and sign the attendance register at the beginning and end of the presentation.

(2) For self-study courses:

(a) Course access is verified based on identity such as user name, password, and e-mail or signature;

(b) Licensees must review the entire course before viewing or completing the final exam;

(c) Licensees must successfully pass the final examination to verify course completion.

(Emphasis added).

12. WAC 284-17-302 outlines various actions by a continuing insurance education provider that may result in a fine, and states:

The following actions by a continuing education provider or any of its employees, designees, or instructors may result in a fine:

(1) Advertising or offering a course for credit without the commissioner granting prior approval of the course, including advertising that indicates the continuing education provider has submitted the course for credit approval;

(2) Failing to follow the approved course outline;

(3) Issuing a Washington insurance continuing education completion certificate for a course that the commissioner has not approved for continuing education credits;

(4) Misrepresentation in advertising of insurance continuing education;

(5) Making substantive changes to an approved course and offering the course for credit without the commissioner's prior approval of the changes;

(6) Changing the approved course instruction method without the commissioner's prior approval of the course;

(7) Offering a course that has erroneous facts and figures or that could reasonably be expected to mislead producers;

(8) Submitting rosters with erroneous information or issuing erroneous certificates;

(9) Issuing a certificate of completion to a person who did not complete the course in accordance with chapter 284-17 WAC;

(10) Submitting a roster for a person who did not complete the course in accordance with chapter 284-17 WAC;

(11) Submitting a roster for a person who:

(a) Did not sign the classroom attendance register;

(b) Did not indicate their arrival time or departure time on the attendance register; or

(c) Indicated an arrival time after the class started or a departure time before the class ended.

(12) Failing to issue a certificate of completion to a person who satisfactorily completed the course in accordance with chapter 284-17 WAC;

(13) Failing to submit a roster for a person who satisfactorily completed the course in accordance with chapter 284-17 WAC;

(14) Failing to supply insurance continuing education records for an audit within thirty days of the commissioner's written request. If the commissioner grants a written extension, then the records are due by the date indicated on the extension;

(15) Failing to supply continuing education course attendance or completion records, course materials, or other records to resolve a consumer inquiry within fifteen days of the date on the commissioner's written request. If the commissioner grants a written extension, then the records are due by the date indicated on the extension;

(16) Not notifying the commissioner of a change in contact information or a change to the continuing education program coordinator within thirty days of the change. Contact information includes the continuing education provider's mailing address, phone number, and e-mail address last submitted by the provider;

(17) Failing to comply with any statute or rule pertaining to continuing education providers as specified in Titles 48 RCW and 284 WAC.

(Emphasis added).

13. The register for Course No. 1 that ITA provided the OIC (Exhibit OIC-4) shows that both Jimmy H. Van Norman Jr., and Ina Svirzhevskiy, left the course early for more than ten minutes. Per WAC 284-17-281(1)(d), these attendees could not receive credit. However, ITA ignored this, and submitted to the OIC Certificates of Completion for both individuals (Exhibits OIC-5 and OIC-6). It is also clear that ITA, in violation of WAC 284-17-281(1)(b), does not provide a monitor in addition to the instructor when a class has greater than 20 attendees.¹ In violation of WAC 284-17-273, ITA either did not keep a register, or did not keep an OIC-approved register, for Course Nos. 2 and 3 (see Exhibits OIC-1 and OIC-10), showing when Sheryl Smith, Luis M. Iniguez, or Dorjee Nepali, arrived to or departed from their respective courses. Several months after the conclusion of Course Nos. 1-3, and 10 days prior to the hearing before me, Harness attempted to recreate registers (Exhibits ITA-5, ITA-6, and ITA-7) that conflicted with Exhibits OIC-1, OIC-4, and OIC-10, which were created in real time around the time Course Nos. 1-3 took place. This was a clear violation of WAC 284-17-273. In addition, ITA failed to keep adequate registers for Course Nos. 1-3 per the requirements of WAC 284-17-277(4) and (6).

¹ In response to an inquiry from me during the hearing, Harness testified that he construes WAC 284-17-281(1)(b) as only requiring that a monitor be provided if the number of attendees from the state of Washington exceeds twenty. I do not construe this regulation in that way, and conclude that it is triggered when a class simply has more than 20 attendees. I adhere to the well-settled principle of statutory construction - that we should construe the law to avoid absurd results. *State v. J.P.*, 149 Wn.2d 444, 450, 69 P.3d 318 (2003). The rules of statutory construction apply to agency regulations as well as statutes. *Tesoro Refining and Marketing Co. v. Dep't of Revenue*, 164 Wn.2d 310, 322, 190 P.3d 28 (2008); *Madre v. Health Care Auth.*, 149 Wn.2d 458, 472, 70 P.3d 931 (2003). It would be absurd to conclude that WAC 284-17-281(1)(b) would apply to a situation in which there were only 20 attendees of a course, and all were from the state of Washington, versus where only one attendee out 300 total was from the state Washington, it would not. The clear purpose of the regulation is to provide a monitor when the number of total attendees is so great (i.e., more than 20), that a monitor is needed to ensure that attendees comply with Washington law, since it would be extremely difficult for an instructor alone to teach and keep track of the attendance of a large number of attendees.

Findings of Fact, Conclusions of Law and Final Order

No. 16-0166

Page 9

14. By failing to retain and provide to the Commissioner exams completed by those licensed as producers in the state of Washington, ITA violated RCW 48.17.563(1), and WAC 284-17-277(4) and (8). ITA admitted to the OIC that it does not keep completed exams of producers, but rather only tracks the final score. See Exhibits OIC-8, ITA-4. ITA only provided the OIC with a copy of a blank exam with the questions. See Exhibit OIC-9. This is not sufficient for ITA to meet the legal standards articulated above. As such, in the future, ITA must maintain copy of all such completed exams for the requisite time period specified in WAC 284-17-272(8), and provide them to the OIC upon request.

15. Per WAC 284-17-302, certain actions by ITA warrant a fine. ITA's submission of Certificates of Completion and/or rosters for Course Nos. 1-3, including, among other things, Exhibits OIC-2, OIC-3, OIC-5, OIC-6, OIC-7, OIC-7B, ITA-8, and ITA's provision of erroneous registers for Course Nos. 1-3 and failure to provide completed exams of those licensed in the state of Washington, was a clear violation of WAC 284-17-302(8)-(11), and (17), and hence warrants the OIC's imposition of a fine against ITA. To reiterate, the issuance of a \$1,200 fine against ITA pursuant to RCW 48.17.560, for the violations explained above, is warranted.

16. ITA is correct that the language of RCW 48.17.560 is discretionary, and states in part that "the commissioner may levy a fine upon the licensee or insurance education provider. (1) For each offense the fine shall be an amount not more than one thousand dollars." The word "may" in a statute has a permissive or discretionary meaning, and does not create a duty to do a particular act. *National Electrical Contractors Assn. v. Riveland*, 138 Wn.2d 9, 28, 978 P.2d 481 (1999)(citing *Yakima County (W. Valley) Fire Protection Dist. No. 12 v. City of Yakima*, 122 Wn.2d 371, 381, 858 P.2d 245 (1993)). However, this does not prevent the OIC from exercising the discretionary authority given to it under RCW 48.17.560. The common law is clear that an agency need not fashion identical remedies for those who violate the law, and the courts are prohibited from entering the allowable area of agency discretion.

17. Appellant in *Shanlian v. Faulk*, 68 Wn. App. 320, 843 P.2d 535 (1992), appealed the trial court's order which affirmed the Department of Licensing's ("DOL's") order imposing a \$1,000 statutory penalty caused by appellant's failure to comply with the statutes and rules which apply to real estate brokers. RCW 18.85.230, the statute at issue in *Shanlian*, permitted the DOL to "levy a fine not to exceed one thousand dollars for each offense" against any broker who was guilty of one of twenty-nine specified acts. Appellant argued that DOL's imposition of the penalty was excessive. Appellant also argued that the \$1,000 fine was inconsistent with penalties imposed against others for similar violations, after he summarized 72 other cases DOL handled with circumstances similar to his own. In response to Appellant's arguments, the Court in *Shanlian* stated at page 328:

Moreover, even if the penalty imposed was inconsistent with other penalties imposed, we would find no error. An agency "need not fashion identical remedies", and the courts may "not enter the allowable area of [agency] discretion." *Stahl v. UW*, 39 Wn. App. 50, 55-56, 691 P.2d 972 (1984) (quoting *In re Case E-368*, 65 Wn.2d 22, 29, 395 P.2d 503 (1964)). Because the statute authorizes a \$1,000 fine for each offense, and because Shanlian violated more than one provision of the statute and regulations, the penalty imposed was within the

agency's discretion.

18. As stated in *Stahl*, 39 Wn. App. at 975-976:

"The relation of remedy to policy is peculiarly a matter for administrative competence, and the rule is that courts must not enter the allowable area of the board's discretion." . . . In the absence of a statutory requirement, agencies need not fashion identical remedies in each case.

(Citations omitted).

ORDER

Per RCW 48.17.560, I impose a fine of \$1,200 on ITA for its violations of RCW Ch. 48.17 and WAC Ch. 284-17 articulated above. ITA shall pay this amount to the OIC within thirty (30) days of the date of this Order.

Dated: October 11, 2016



William G. Pardee
Presiding 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

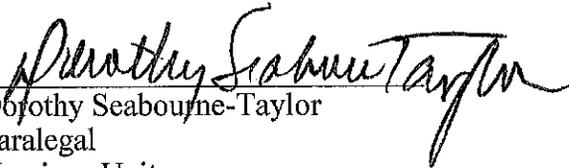
The undersigned certifies under the penalty of perjury under the laws of the state of Washington that I am now and at all times herein mentioned, a citizen of the United States, a resident of the state of Washington, over the age of eighteen years, not a party to or interested in the above-entitled action,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

Douglas Harness, Founder
Rex Winder, Director of Education
Insurance Training Associates, LLC
4504 SW Corbett Avenue, Suite 200
Portland, OR 97239

Mike Kreidler, Insurance Commissioner
James T. Odiorne, J.D., CPA, Chief Deputy Insurance Commissioner
Doug Hartz, Deputy Commissioner, Company Supervision Division
AnnaLisa Gellermann, Deputy Commissioner, Legal Affairs Division
Marcia Stickler, Insurance Enforcement Specialist, Legal Affairs Division
Office of the Insurance Commissioner
PO Box 40255
Olympia, WA 98504-0255

Dated this 17th day of October, 2016, in Tumwater, Washington.


Dorothy Seabourne-Taylor
Paralegal
Hearings Unit