

BEFORE THE STATE OF WASHINGTON
OFFICE OF THE INSURANCE COMMISSIONER

FILED

2016 SEP -7 P 1:54

In the Matter of

INSURANCE TRAINING
ASSOCIATES LLC

Appellant.

Docket No. 16-0166

OIC [AMENDED] EXHIBIT AND
WITNESS LIST

HEARINGS UNIT
OFFICE OF
INSURANCE COMMISSIONER

COMES NOW the Washington State Office of the Insurance Commissioner, by and through Marcia G. Stickler, staff attorney, Insurance Enforcement Specialist, and submits its list of exhibits and its list of witnesses.

Exhibit No.	Description	No. of Pages
1.	Handwritten Note About Attendees dated October 22, 2015	1
2.	Certificate of Completion for Sheryl Smith for Course Title Protecting Client Privacy, Course No. 611496, Course Completion date October 22, 2015	1
3.	Certificate of Completion for Luis M. Iniguez for Course Title Protecting Client Privacy, Course No. 611496, Course Completion date October 22, 2015	1
4.	Washington Insurance Continuing Education Attendance Register for Course Title Auto Insurance – Coverage and Claims, Course No. 611735, Class Date December 18, 2015	1
5.	Certificate of Completion for Jimmy H. Van Norman Jr. for Course Title Auto Insurance Coverage and Claims, Course No. 611735, Course Completion date December 18, 2015	1
6.	Certificate of Completion for Ina Svirzhevskiy for Course Title Auto Insurance Coverage and Claims, Course No. 611735, Course Completion date December 18, 2015	1
7.	SIMBA Roster for Course Title Protecting Client Privacy, Course #619085, Completion date 10/22/2015	1
7b.	SIMBA Roster for Course Title Catastrophes and Insurance, Course # 610035, Completion date 5/26/2015	1
8.	Comments about Completed Examination Self-Study	1
9.	Sample of a Completed Examination for Eric Erickson 11/14/15	2
10.	Oregon Continuing Education Class May 26, 2015 Attendance Register	1
11.	Consent Order Levying a Fine, Order No. 16-0166	5
12.	Education Provider Violations and fines Continuing Education	3

OIC [AMENDED] EXHIBIT AND
WITNESS LIST

1

State of Washington
Office of the Insurance Commissioner
P O Box 40255
Olympia WA 98504-0255
(360) 725-7118

1379126

1
2 The following is a witness anticipated to be called by the Office of the Insurance
3 Commissioner at the above referenced hearing to be held on September 16, 2016, and thereafter:

4 Joe Mendoza, Education & Compliance Program Analyst
5 Producer Licensing & Oversight
6 Office of the Insurance Commissioner
7 P. O. Box 40255
8 Olympia, WA 98504-0255
9 (360) 725-7146

10 Mr. Mendoza will testify about the Appellant's violations of the Washington Administrative
11 Code relating to Continuing Education.

12 RESPECTFULLY SUBMITTED this 7th day of September 2016.

13 

14 MIKE KREIDLER
15 Insurance Commissioner

16 By and through his designee

17 
18 MARCIA G. STICKLER
19 Insurance Enforcement Specialist
20 Legal Affairs Division

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

CERTIFICATE OF MAILING

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 served the foregoing OIC [AMENDED] WITNESS AND EXHIBIT LIST on the following individuals by hand delivery, and by Email and depositing in the U.S. mail via state Consolidated Mail Services with proper postage affixed as indicated below:

Via Hand Delivery

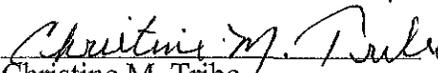
William Pardee, Presiding Officer
Hearings Unit
Office of the Insurance Commissioner
P O Box 40255
Olympia, WA 98504-0255

Via Email and U.S. Regular Mail via state Consolidated Mail Services

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

douglasharness@ymail.com

DATED this 7th day of September, 2016, at Tumwater, Washington.


Christine M. Tribe
Paralegal
Legal Affairs

**Education Provider Violations and Fines
Continuing Education**

Violation Categories.	Regulation	1st occurrence	2nd occurrence	Subsequent occurrences
Advertising	WAC 284			
Failing to obtain approval from the commissioner for a course before advertising or offering the CE course for credit:	17-278, 292, 303, 302,	\$200 - \$1,200	\$800 - \$2,200	\$1,000 - \$3,200
Advertising				
Erroneous advertising of a CE course.	17-310, 302 303, 304, 306 304, 306	\$200 - \$500	\$500 - \$1,000	\$1,000 - \$2,000
Attendance				
Failing to use a proper attendance register as specified in the regulation.	17-273, 302 304, 306	\$200 - \$500	\$500 - \$1,000	\$1,000 - \$2,000
Certificate				
Failing to issue a certificate within 10 days of the course completion. Does not apply if CE credit was initially declined by the producer.	17-272, 292, 302, 304	\$200 - \$500	\$500 - \$1,000	\$1,000 - \$2,000
Certificate				
Failing to issue a certificate in the proper format as specified in the regulation.	17-292, 302 304	\$100 - \$200	\$200 - \$300	\$300 - \$500
Certificate				
Issuing a CE course completion certificate to a producer that did not meet the completion requirements.	17-272, 292, 302, 304, 306	\$200 - \$500	\$500 - \$1,000	\$1,000 - \$2,000
Course				
Offering an approved course prior to the effective date of the course.	17-278, 302 304, 306	\$200 - \$1,200	\$800 - \$2,200	\$1,000 - \$3,200

Course				
Failing to use the approved course outline.	17-278, 302 304, 306	\$200 - \$500	\$500 - \$1,000	\$1,000 - \$2,000
Course				
Presenting a classroom or webinar course for less than the approved hours and then issuing certificates and /or submitting a roster for the attendees.	17-278, 302 304, 306	\$200 - \$500	\$500 - \$1,000	\$1,000 - \$2,000
Course				
Making substantive changes to the course without approval.	17-297, 302 304, 306	\$200 - \$500	\$500 - \$1,000	\$1,000 - \$2,000
Instructor				
Failing to use an instructor that is qualified to teach the course.	17-272, 302 304, 306	\$200 - \$500	\$500 - \$1,000	\$1,000 - \$2,000
Monitor				
Failing to use a monitor/proctor when required at a classroom or webinar course.	17-272, 302 304, 306	\$200 - \$500	\$500 - \$1,000	\$1,000 - \$2,000
Records				
Failing to provide CE records requested by the commissioner in the time indicated.	17-299, 302,	\$200 - \$500	\$500 - \$1,000	\$1,000 - \$2,000
Record				
Failing to keep the required CE records.	17-272, 277, 302, 304	\$200 - \$1,200	\$800 - \$2,200	\$1,000 - \$3,200
Roster				
Failing to submit the roster within 10 days of course completion. Does not apply if CE credit was initially declined by the producer.	17-272, 302 304	\$200 - \$1,200	\$800 - \$2,200	\$1,000 - \$3,200

Roster				
Failing to include on the roster within 10 days of course completion, a producer that successfully completed the course. Does not apply if CE credit was initially declined by the producer.	17-272, 302	\$100 - \$200	\$200 - \$300	\$300 - \$500
Roster				
Submitting a roster for a producer that did not meet the completion requirements.	17-272, 281, 302, 304, 306	\$200 - \$500	\$500 - \$1,000	\$1,000 - \$2,000
Ten Day Notice				
Failing to submit a 10 day notice of presentation of an approved CE course.	17-272,302 304	\$200 - \$500	\$500 - \$1,000	\$1,000 - \$2,000

Serious or numerous violations can result in probation, suspension or revocation of the provider's authority.

"Occurrence" means the OIC pursues an administrative action.

Fines will be assessed based on "violation categories," as set forth above. However, a maximum of \$1,000 will be assessed for a single incident that violates the given regulation.

This matrix is intended to be a guideline to improve consistency and predictability in imposing penalties. However, the OIC retains the discretion to impose an appropriate penalty based on the specific facts and circumstances of each case.