

July 21, 2011

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Patricia D. Petersen
Chief Hearing Officer
Hearings Unit
Office of the Insurance Commissioner
P.O. Box 40255
Olympia, WA 98504-0255

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Hearings Unit, DIC
Patricia D. Petersen
Chief Hearing Officer

Re: OIC Case No. 1031313

Dear Ms. Petersen,

I am writing to you to request a hearing about the Office of the Insurance Commissioner's decision that there is insufficient evidence that John L. Peterson, WAOIC number 72053, violated one or more provisions of Washington's Insurance Code. I have been aggrieved by the commissioner's act of deciding that insufficient evidence exists in this case.

Summary of my complaint:

On 10/30/08, John L. Peterson helped me fill out an application for disability insurance with Standard Insurance Company (The Standard). Mr. Peterson kept this application and mailed a copy to me on 10/31/08 (see enclosure 1). On 11/25/08, The Standard received an application from Mr. Peterson purporting to be my application. However, as I later discovered, the application was altered after I signed it (see enclosures 2, 3 and 4). The changes were made without my knowledge or consent. Most of these changes were additions of false information. Therefore the application received by The Standard was forged. The application ceased to be valid when inaccurate information was inserted into the application without my consent. The application The Standard received is not my application and should not in any way be considered part of my insurance history. Since no valid application was submitted to The Standard, in effect I did not apply for disability insurance with The Standard. Therefore, no application of mine could be postponed, declined, withdrawn, or in any way acted upon. The Standard should correct and retract their internal records as well as any outside records if information regarding my purported application or the withdrawal thereof has been shared outside The Standard. Finally, The Standard should provide written confirmation that all records both internal and external to The Standard have been corrected and retracted to reflect the fact that I did not apply for disability insurance with The Standard and did not have an application postponed, declined, withdrawn, or in any way acted upon.

Evidence that Mr. Peterson violated a provision of Washington's Insurance Code:

RCW 48.18.070, states "any application for insurance in writing by the applicant shall be altered solely by the applicant or by his or her written consent, except that insertions may be made by the insurer for administrative purposes only in such manner as to indicate clearly that such insertions are not to be ascribed to the applicant."

Before Mr. Peterson submitted it to The Standard, the application I signed was altered without my knowledge or written consent. The insertions were not made by the insurer (The Standard) nor were they made in a way that clearly indicates that the insertions were not the applicant's insertions. The fact that items 27 and 28 on page 3 were blank when I signed the application on 10/30/08 is supported by Mr. Peterson's email to me dated 10/31/08, which states that he needs "the name and address of [my] firm" (see enclosure 5). The fact that items 13 and 15 on page 1; item 18 f on page 2; items 25, 26, 27 and 28 on page 3; and item 40 on page 4 were blank when I signed the application on 10/30/08 is supported by my email to Mr. Peterson dated 12/5/08, which states that these items are not complete (see enclosure 6).

Evidence that Mr. Peterson violated another provision of Washington's Insurance Code:

RCW 48.30.210, states "A person who knowingly makes a false or misleading statement or impersonation, or who willfully fails to reveal a material fact, in or relative to an application for insurance to an insurer, is guilty of a gross misdemeanor."

When Mr. Peterson submitted the altered application to The Standard, he submitted false information and in effect impersonated me by submitting answers that would be attributed to me, would be believed by The Standard to be my answers. He misled The Standard and caused them to think that I had signed an application that contained all of the information that was present on the application he submitted when in fact some of this information was added after the day I signed it.

The Standard's letter to me dated August 31, 2009, states that Mr. Peterson "adamantly denies altering or forging [the] application in any way" (see enclosure 7). Mr. Peterson's adamant denial is a false and misleading statement relative to this application for insurance.

Mr. Peterson made another misleading statement relative to an application for insurance when he emailed me on 12/30/08 and stated "you [sic] disability income policy is close to being issued - All that is needed is for you to complete the Phone History Interview" (see enclosure 8). Mr. Peterson made another misleading statement relative to an application for insurance when he emailed me on 1/6/09 and stated that "after the PHI is completed Standard will be able to make a decision" (see enclosure 9). Mr. Peterson repeatedly told me that the Phone History Interview was a required part of the application process and that it had to be completed before the Standard could make a decision. Since I had not decided to go ahead with an application to The Standard, I did not complete the Phone History Interview. When the agency that does the Phone History Interviews called me I told them that I did not know if I wanted to apply for insurance with The Standard and that if I did decide to apply for insurance with The Standard, I would call them to complete the Phone History Interview. Since Mr. Peterson told me that the Phone History Interview was a required part of the application process and needed to be completed before The Standard could make a decision, and since I did not complete the Phone History Interview, I was surprised to receive a letter from The Standard dated 1/30/09 informing me that they made a decision. I wrote to The Standard on 2/21/09 and let them know that Mr. Peterson had told me that the Phone History Interview was a required part of the application process and that I had intentionally not completed the Phone History Interview because I had not decided to go forward with an application for insurance with The Standard. I told The Standard that since I never did the Phone History Interview, I never completed an application for disability insurance (see enclosure 10). The Standard replied to me on 3/20/09 and stated that once I signed and submitted an application to them, the application was completed and they were required by law to process the application and to determine if I was eligible for insurance coverage with them (see enclosure 11). Mr. Peterson submitted to The Standard an altered version of the application I had signed. This was received by The Standard on 11/25/08. Mr. Peterson should have known that once he submitted to The Standard the altered version of application I had signed, The Standard considered my application completed and would process the application and determine if I was eligible for insurance coverage with them. The statements Mr. Peterson made in December and January regarding the requirement that the Phone History Interview be completed before The Standard could make a decision were false and misleading statements relative to an application for insurance.

The harm done to me by the Office of the Insurance Commissioner's decision:

The Standard is treating the altered application as my application and reporting that I submitted an application for disability insurance, which was withdrawn. Once this case is resolved, I plan to apply for additional disability and life insurance. Many insurance applications ask "Have you ever had an insurance application postponed, declined, withdrawn, rated, or modified?" Companies ask this question for a reason and the applicant's response affects their underwriting process and subsequent decisions. In order for my answers to this question to agree with the inaccurate records reported by The Standard, I will have to answer "yes." This

will be harmful to me as my future applications will be more likely to be postponed, declined, rated, or modified, compounding the harm done to me when Mr. Peterson submitted an altered application which bore my name and the Office of the Insurance Commissioner decided there was insufficient evidence to do anything about this. My insurability has been harmed by the decision of the Office of the Insurance Commissioner. If I were to become disabled or die before these records are corrected my family and I would suffer the additional harm of not having additional disability or life insurance at the time of my disability or death.

Relief requested:

The application The Standard received ceased to be valid when inaccurate information was inserted into the application without my consent. It is not my application and should not in any way be considered part of my insurance history. Since no valid application was submitted to The Standard, I did not apply for disability insurance with The Standard. Therefore, no application of mine could be postponed, declined, withdrawn, or in any way acted upon. All records both internal and external to The Standard should be corrected to state that I never submitted an application and therefore never had an application postponed, withdrawn or in any way acted upon. The Standard should provide written confirmation that all records both internal and external to The Standard have been corrected and retracted to reflect the fact that I did not apply for disability insurance with The Standard and did not have an application postponed, declined, withdrawn, or in any way acted upon. Once the records are corrected it will not appear false when I honestly answer "no" to the "Have you ever had an insurance application postponed, declined, withdrawn, rated, or modified?" question and I will be able to apply for insurance without the harm caused by the Office of the Insurance Commissioner's decision not to do anything about this fraudulent, withdrawn application that is currently attributed to me.

Thank you for your help in this matter.

Sincerely,



Rachel Anderson
2337 E 18th Street
Bremerton, WA 98310

Enclosures:

1. A copy of the application Mr. Peterson mailed to me on 10/31/08.
2. A copy of the application The Standard received on 11/25/08 with arrows in the margin next to the items that were changed after I signed the application on 10/30/08.
3. A copy of the application John Peterson's office emailed to me on 06/25/09 when I requested a copy of the application they submitted to The Standard. This document is identical to the application received by The Standard.
4. My list of the differences between enclosure 1 and enclosures 2 and 3, which delineates changes that were made after I signed the application on 10/30/08.
5. Mr. Peterson's email to me dated 10/31/08.
6. My email to Mr. Peterson dated 12/5/08.
7. A copy of The Standard's letter to me dated 08/31/09.
8. Mr. Peterson's email to me dated 12/30/08.
9. Mr. Peterson's email to me dated 1/6/09.
10. A copy of my letter to The Standard dated 2/21/09.
11. A copy of The Standard's letter to me dated 3/20/09.