

MIKE KREIDLER
STATE INSURANCE COMMISSIONER

STATE OF WASHINGTON

Phone: (360) 725-7000
www.insurance.wa.gov



FILED

JUL 18 2008

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 of a true copy of this document to parties listed below DATED this 21st day of July 2008 at Tumwater, Washington.

OFFICE OF
INSURANCE COMMISSIONER

HEARINGS UNIT
Fax: (360) 664-2782

Hearings Unit, OIC
Patricia D. Petersen
Chief Hearing Officer

Signed Wendy Galloway
Patricia D. Petersen
Chief Hearing Officer
(360) 725-7105

Wendy Galloway
Paralegal
Wendyg@OIC.wa.gov.
(360) 725-7002

BEFORE THE STATE OF WASHINGTON
OFFICE OF INSURANCE COMMISSIONER

In the Matter of:)
)
DANIEL R. NASE,)
)
)
Licensee.)
)
)

NO. D03-0233

ORDER GRANTING OIC'S
MOTION TO DISMISS REQUEST
FOR HEARING

TO: Daniel Nase
2346 S. Cucamonga Avenue, #126
Ontario, California 91761

COPY TO: Mike Kreidler, Insurance Commissioner
Vernon Stoner, Chief Deputy Insurance Commissioner
Carol Sureau, Deputy Commissioner, Legal Affairs Division
Charles D. Brown, Sr. Staff Attorney, Legal Affairs Division
John F. Hamje, Deputy Commissioner, Consumer Protection Division
Office of the Insurance Commissioner
P.O. Box 40255
Olympia, WA 98504-0255

On November 18, 2003, the Insurance Commissioner (OIC) entered an Order Revoking License against Daniel R. Nase (Licensee). By letter dated December 5, 2007, the Licensee now requests a hearing to contest that Order Revoking License, which became effective on December 8, 2003. Pursuant to filings made by the OIC relative to his Motion to Dismiss Request for Hearing herein, on February 20, 2003, the OIC mailed a letter to the Licensee requesting that new fingerprint cards be submitted (as part of the Licensee's application for licensure as an insurance agent in Washington).

On May 16, 2003, when no response was received, a second letter was mailed to the Licensee. On October 14, 2003, when no response was still received, the OIC mailed the Licensee a further letter allowing the Licensee additional time in which to respond, advising the Licensee that he would hold the file open until November 3, 2003 and if no response was received then the file would be referred to the Chief Investigator requesting a revocation of the Licensee's agent's license. When no response was received from the Licensee by that time, as above, on November 18, 2003, the OIC issued an Order revoking his insurance agent's license.

Now, by letter dated December 5, 2007 and filed with the undersigned on that date, the Licensee has requested a hearing to contest the above action of the OIC, asserting therein that he did not receive a notice from the OIC to provide new fingerprint cards and only found out that there was a problem one week after his license was revoked in November 2003. The Licensee further asserts that on that same day he came into the OIC's office to submit the new fingerprint cards and the clerk helping him had him sit down with the supervisor to get permission to reinstate his license. The Licensee advises that he cannot remember either the clerk's or the supervisor's name, but the supervisor had him write a letter which was supposed to be placed in his file, and his license reinstated. The Licensee advises that he did not keep a copy of that letter, and no such letter was found in his agent's file.

During prehearing teleconference, which included all parties, the Licensee advised the undersigned that he only found out that his license had not been reinstated because he had been contacted by the OIC *because there was some type of problem with locating the company I was appointed to work for based on the company name I provided on my application.* Instead of appealing the matter at that time, the Licensee advises that he, *decided to cancel my insurance license rather than deal with any further issues from the Insurance Commissioner's Office.*

Currently, the Licensee filed this appeal because *I called the Insurance Commissioner's Office yesterday [December 4, 2007] and they said there is no record, in the computer, of my license being reinstated. Can you please assist me in clearing my record and removing the derogatory public record from your site? The lack of records to verify that my insurance license was reinstated, the lack of notification prevent the revocation of my license and the lack of documentation that I appealed my insurance license being revoked needs to be fixed. It is damaging to my credibility, and it will cause me problems if I want to get another insurance or professional license in the future.*

In his letter dated January 20, 2008 and filed with the undersigned in this matter on January 31, 2008, the licensee advises again that, *The day I came into the insurance commissioner's office, [as above, December 4, 2007] I wrote a letter to dispute the revocation of my insurance license and appeal the decision made by the court within the time allowed. ... I was left with the understanding that my license was reinstated and the letter was placed in my file. Unfortunately, my account was not updated and the letter*

appealing the decision is lost. ... This public record, which is placed online unnecessarily for anyone to see, has caused me irreparable harm in my personal and professional life for years. I am constantly questioned about it even though I have never solicited or sold an insurance policy in my life. ...The revocation of my license was made prior to me receiving any notice to provide new fingerprint cards. I submitted new fingerprint cards and wrote the letter within a week, and someone at the insurance commissioner's office lost my letter and did not updated [sic] my file. These actions on behalf of the Insurance Commissioner's Office are negligent and a remedy should be provided immediately to appeal or dismiss the order, clear my file and any other remedy the court sees fit to award for personal damages.

On January 18, 2008, the undersigned held a first prehearing conference, which included all parties, to discuss this matter and the issues involved. The OIC appeared pro se, represented by Charles D. Brown, Senior Staff Attorney in his Legal Division. Mr. Nase represented himself. At that time, all questions of the parties were answered and the adjudicative process was discussed.

Thereafter, on February 20, 2008, the undersigned heard oral argument from the parties on the OIC's Motion to Dismiss. On June 26, 2008, after hearing on the OIC's Motion to Dismiss, the Licensee e-mailed a letter to the Hearings Unit stating, *Here is a copy of the letter I wrote to the supervisor.* Attached was a scanned copy of a handwritten letter bearing the date of November 21, 2003, requesting that his insurance license be reinstated and appealing the revocation of his license, *since I did not receive proper notification by mail prior to it being revoked. This is most likely due to a mail error. Please remove this negative item from public records.*

After hearing argument of the parties, including the OIC's Motion to Dismiss supported by records from OIC staff at the time, Declaration of Michael Huske, Manager of the Agent and Brokers Investigation Unit in the Consumer Protection Division of the OIC, executed on February 1, 2008, with attached e-mail communications from Mr. Huske and the Licensee in 2007, together with the letters of the Licensee with attachment, it is here found that it is reasonable that the OIC's Motion to Dismiss should be granted.

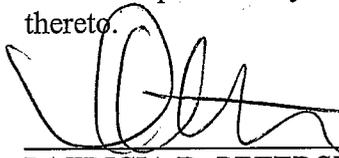
The statements of the Licensee are contradictory; further, it should be noted that the scanned copy of a handwritten letter bearing a date of November 21, 2003 was submitted four months after the OIC's Motion to Dismiss was filed, hearing scheduled thereon, and argued by the parties on February 20, 2008. Whether this letter was properly tendered to the OIC in 2003 as required is unclear; however, given the contradictory statements offered by the Licensee in relation to this matter – and given the fact that this letter was not presented during argument on the OIC's Motion to Dismiss – it will not provide sufficient support to now allow the Licensee, some 5 years late, to have a full adjudicative proceeding in this matter. It would be the decision of the OIC whether he decides to issue a new insurance agent's license to the Licensee now or in the future.

ORDER

This being the activity of the parties,

IT IS HEREBY ORDERED that the insurance agent's license of Daniel R. Nase remains revoked.

ENTERED this 18th day of July, 2008, at Tumwater, Washington, pursuant to Title 48 RCW and particularly RCW 48.04.0410(3), Title 34 RCW and regulations applicable thereto.



PATRICIA D. PETERSEN
Chief Hearing 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 in the United States mail. If a party chooses to file a petition in the Superior Court, he or she may, but is not required to, first file a request for reconsideration. For further information or to obtain copies of the applicable statutes, the parties may contact the paralegal to the undersigned.