

STATE OF WASHINGTON

Phone: (360) 725-7000

MIKE KREIDLER  
STATE INSURANCE COMMISSIONER  
**DECLARATION OF MAILING**



**FILED**

MAY 12 2006

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 15th day of May 2006 at Tumwater, Washington.

OFFICE OF  
**INSURANCE COMMISSIONER**  
**HEARINGS UNIT**

Hearings Unit, OIC  
Patricia D. Petersen  
Chief Hearing Officer

Signed Wendy Galloway

Fax: (360) 664-2782

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

Wendy Galloway  
Administrative Assistant  
(360) 725-7002  
WendyG@OIC.wa.gov

BEFORE THE STATE OF WASHINGTON  
OFFICE OF INSURANCE COMMISSIONER

In the Matter of: )  
)  
**DAVID S. LOWER,** )  
)  
Licensee. )  
\_\_\_\_\_ )

No. D05-409

FINAL ORDER TERMINATING  
PROCEEDING

TO: David S. Lower  
1434 Hidden Stream Court  
Charlotte, North Carolina 28213

Mr. Clifford A. Webster, Esquire  
Carney Badley Spellman  
701 Fifth Avenue, Suite 3600  
Seattle, Washington 98104-7010

AND TO: Mike Kreidler, Insurance Commissioner  
Michael G. Watson, Chief Deputy Insurance Commissioner  
John F. Hamje, Deputy Commissioner, Consumer Protection  
Carol Sureau, Deputy Commissioner, Legal Affairs  
PO Box 40255  
Olympia, WA 98504-0255

On October 11, 2005, the Office of the Insurance Commissioner (OIC) entered Order No. D05-409 revoking David Lower's license. A Demand for Hearing was filed on December 1, 2005 on behalf of Licensee from Clifford A. Webster, Esq. of Carney Badley Spellman, P.S. of Seattle, Washington. Prior to the scheduled January 9, 2006 telephone prehearing conference, on December 29, 2005, a letter from the Licensee withdrawing his request for hearing was filed, together with a Stipulation and Order Levying a Fine which was executed by all parties in settlement of this



FINAL ORDER TERMINATING PROCEEDING  
NO. D05-409  
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matter. Said letter, together with Stipulation and Order, are included in the hearing file and are by this reference incorporated herein.

Based upon the above activity:

**IT IS HEREBY ORDERED** that the proceeding in the matter of D05-409 is now dismissed with prejudice and the proceeding is terminated. The attached Stipulation and Order shall remain in full force and effect.

ENTERED this 12<sup>th</sup> day of May, 2006, at Tumwater, Washington.

A handwritten signature in black ink, appearing to read 'Patricia D. Petersen', written over a horizontal line.

**PATRICIA D. PETERSEN**  
Chief Hearing Officer

MIKE KREIDLER  
STATE INSURANCE COMMISSIONER

STATE OF WASHINGTON



Phone: (360) 725-7000

FILED

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OFFICE OF  
INSURANCE COMMISSIONER

Hearings Unit, DIC  
Patricia D. Petersen  
Chief Hearing Officer

In the Matter of )

) No. D 05- 409

David S. Lower, )

) STIPULATION AND ORDER  
) LEVYING A FINE

Licensee. )

STIPULATION BY AGENT

David S. Lower, ("licensee") hereby stipulates to the payment of a fine in the total amount of \$ 500.00 based on the following facts which are hereby acknowledged. Licensee further stipulates and agrees that he will comply with Washington insurance laws and regulations in the future.

1. The Commissioner sent written inquiries on March 16, June 20 and September 6, 2005. These inquiries related to the business of insurance, requesting replacement fingerprint cards. Licensee did not respond to any of them. Each such failure to respond promptly in writing violated RCW 48.17.475. These failures prompted the issuance of an order to revoke licensee's license effective October 31, 2005.

2. Contact was made, on behalf of the licensee, November 28, 2005. As a result of this contact, an agreement was reached to pay the fine in lieu of revocation.

The licensee has engaged in practices that are not in accord with the standards set out in the insurance code of Washington. Accordingly, the licensee enters this Stipulation to the following Order voluntarily and with the understanding that such fine is in lieu of any suspension or revocation of the licensee's license for such conduct. The licensee further stipulates and agrees that the licensee will promptly respond to future inquiries from the Commissioner, that a failure to respond within fifteen business days from receipt of an inquiry will be considered untimely and a violation of RCW 48.17.475 justifying revocation of the licensee's license, and that the facts described above, and the fact of this stipulation, may be considered by the Commissioner in any future administrative actions regarding licensee.

Signed this 23<sup>rd</sup> day of December, 2005.

By: David S. Lower  
David S. Lower

STIPULATION AND ORDER

No. D 05-409

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ORDER

Pursuant to RCW 48.17.560 and the foregoing Stipulation, the Commissioner hereby imposes a fine in the amount of \$ 500.00 upon David S. Lower.

Pursuant to RCW 48.17.475, licensee shall respond to future inquiries from the Commissioner no later than fifteen business days from receipt of an inquiry and a failure to respond within such time will be considered untimely and a violation of RCW 48.17.475 justifying revocation of the licensee's license

The fine shall be paid in full within 30 days from the date of this Order. Upon failure to pay the fine, the Commissioner will revoke the license of the licensee and the fine will be recoverable in a civil action brought on behalf of the Commissioner by the Attorney General.

ENTERED AT TUMWATER, WASHINGTON, this 28<sup>th</sup> day of December, 2005

MIKE KREIDLER  
Insurance Commissioner

By

*Catherine E. Rogerson*

JOHN F. HAMJE  
Deputy Insurance Commissioner  
Consumer Protection Division

Investigator: Cheryl Penn

**DECLARATION OF MAILING**

I certify 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 *David S. Lower*.

Dated: December 28, 2005  
At Tumwater, Washington

*Victoria Meyer*  
Victoria Meyer