



OFFICE OF
INSURANCE COMMISSIONER

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2006 NOV -8 P 1:59

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 below
DATED this 8th day of Nov. 2006.
at Tumwater, Washington.

Signed: Wendy Galloway

HEARINGS UNIT
Fax: (360) 664-2782

Hearings Unit, DIC
Patricia D. Petersen
Chief Hearing Officer

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

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

STATE OF WASHINGTON
OFFICE OF INSURANCE COMMISSIONER

In the Matter of:)	NO. D06-246
)	
FRAN AUSTIN,)	NOTICE OF HEARING
)	
Licensee.)	
)	

TO: Fran E. Austin
5431 S. Quail Ridge Circle
Spokane, Washington 99223

COPY TO: Mike Kreidler, Insurance Commissioner
Michael G. Watson, Chief Deputy Insurance Commissioner
Carol Sureau, Deputy Commissioner, Legal Affairs Division
Charles Brown, Senior Staff Attorney, Legal Affairs Division
Office of the Insurance Commissioner
PO Box 40255
Olympia, WA 98504-0255

On October 20, 2006, a Demand for Hearing was received from Fran Austin (Licensee). The purpose of said Demand for Hearing is to contest the Insurance Commissioner's Order Revoking License entered September 12, 2006. Said Order revokes the insurance agent's license of the Licensee effective October 2, 2006.

Accordingly, on November 6, 2006, the undersigned held a first prehearing teleconference in this matter. Mr. Austin appeared pro se. The Insurance Commissioner (OIC) appeared pro se, by and through Charles Brown, Senior Staff Attorney, Legal Affairs Division. During said



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prehearing conference, the undersigned reviewed administrative procedure and addressed all questions and concerns of the parties.

Specifically, the undersigned advised the parties that there was no automatic stay of the subject Order Revoking License under RCW 48.04.020 because the request for hearing was not filed before the effective date properly set forth in the Order Revoking License; the undersigned further advised the Licensee that this meant that he could not engage in the business of insurance until entry of a final order on hearing herein.

Further, during the first prehearing conference the Licensee agreed to provide the OIC with a letter admitting to those allegations in the OIC's Order Revoking License which are correct, explaining those situations, and pointing out where the OIC's allegations are incorrect. The Licensee may choose to send a copy of this letter to the undersigned or may choose to only provide the letter to the OIC.

As stated in his request for hearing, the basis for the Licensee's appeal is that he has been licensed for 37 years as an insurance agent and has never had a complaint against him; that he will lose the ability to support his family and pay the fine the state has imposed (presumably in a related securities matter) and any ability to try to repay the people that he has hurt. Further, the Licensee asserts that there are some points in the OIC's Order which are not correct.

The OIC's position is as stated in its subject Order Revoking License, a copy of which is included in the hearing file and is by this reference incorporated herein.

Finally, during the above-referenced first prehearing teleconference, the parties agreed that the hearing in this matter shall be scheduled to commence at 9 a.m., on Monday, December 18, 2006. The purpose of the hearing will be to determine the validity and propriety of the Commissioner's above-referenced Order Revoking License.

The hearing will be held under the legal authority and jurisdiction granted the Commissioner by the Insurance Code, Title 48 RCW, and specifically RCW 48.04.010.

The OIC will appear pro se, by and through Charles Brown, Senior Staff Attorney with the Legal Affairs Division. His mailing address is P.O. Box 40255, Olympia, Washington 98504 and his telephone number is (360) 725-7044. Fran Austin plans to represent himself but is advised that he may be represented by counsel if he chooses. His mailing address is 5431 S. Quail Ridge Circle, Washington 99223, and his telephone number is (509) 448-6123.

The adjudicative proceeding will be conducted pursuant to the requirements of ch. 34.05 RCW, the Administrative Procedure Act, and will be governed by the model rules of procedure, ch. 10-08 WAC. Mr. Austin may be represented by counsel, and may examine witnesses and fully respond and present evidence and argument on all relevant issues involved.

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Based upon a delegation of authority from the Commissioner, the undersigned will conduct the hearing and will make the final decision and enter the final order relative to this matter. Her address is P.O. Box 40255, Olympia, WA 98504-0255 and her telephone number is (360) 725-7105.

As above, on November 6, 2006, the undersigned held a first prehearing teleconference in this matter. Any future questions or concerns, or requests for additional prehearing conferences, which may arise, may be directed by any party to Wendy Galloway, paralegal to the undersigned, who can be reached by telephone at (360) 725-7002, or at the above address.

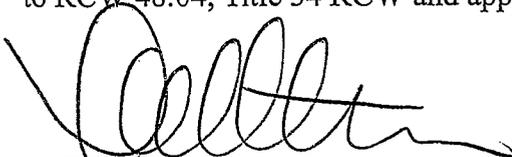
As required by RCW 34.05.434(2)(I), you are advised that a party who fails to attend or participate in the hearing or other stage of the adjudicative proceeding may be held in default in accordance with ch. 34.05 RCW.

Pursuant to WAC 10-08-040(2) and in accordance with ch. 2.42 RCW, if a limited English-speaking or hearing impaired or speech impaired party or witness needs an interpreter, a qualified interpreter will be appointed. There will be no cost to the party or witness therefore, except as may be provided by ch. 2.42 RCW. A Request for Interpreter form is attached to the original of this Notice, with instructions thereon.

This Notice is provided pursuant to RCW 48.04.010 and RCW 34.05.434.

Based upon the above activity, the adjudicative hearing in this matter shall commence on Monday, December 18, 2006, at the hour of 9:00 a.m., Pacific Standard Time, in conference room 221 in the Office of the Insurance Commissioner, 5000 Capitol Boulevard, Tumwater, Washington 98501.

ENTERED AT TUMWATER, WASHINGTON, this 8th day of November, 2006 pursuant to RCW 48.04, Title 34 RCW and applicable regulations.



PATRICIA D. PETERSEN
Presiding Officer