



FILED

OFFICE OF INSURANCE COMMISSIONER  
STATE OF WASHINGTON  
OFFICE OF INSURANCE COMMISSIONER  
Hearings Unit, DIC  
Patricia D. Petersen  
Chief Hearing Officer

2007 SEP 19 P 3:39

In the Matter of

**Julie D. Lemery,**

Licensee.

NO. D 07-0307

MOTION TO DISMISS  
DEMAND FOR HEARING

The OIC Staff moves for entry of an order dismissing the Licensee's hearing demand in this matter for the reason that there is no OIC action or threatened action subject to a hearing demand under RCW 48.04.010(1)(b).

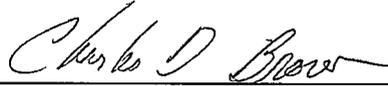
By letter dated August 29, 2007, licensed insurance agent, Julie Lemery, requested a hearing to contest an OIC letter of reprimand dated March 20, 2007. Ms. Lemery declined to accept the letter of reprimand which was accordingly withdrawn by letter dated September 12, 2007 from Michael Huske, OIC Manager of Agent and Broker Investigations to Ms. Lemery, a correct copy of which is attached hereto as Exhibit "A". Despite the withdrawal of the letter of reprimand which is the subject of her hearing demand, Ms. Lemery has declined to withdraw her demand. Hence, this motion.

Pursuant to RCW 48.04.010(1)(b), only a person "aggrieved by any act, threatened act, or failure of the commissioner to act" may demand a hearing. Pursuant to RCW 48.04.010(2), "(a)ny such demand for a hearing shall specify in what respects such person is so aggrieved and the grounds to be relied upon as basis for the relief to be demanded at the hearing." Since Ms. Lemery is not aggrieved by any act or failure to act



on the part of the commissioner, there is no statutorily authorized subject upon which to conduct an adjudicative proceeding and no subject matter jurisdiction for the conduct of an adjudicative proceeding. Accordingly, Ms. Lemery's hearing demand should be dismissed and this proceeding should be terminated.

SIGNED this 19<sup>th</sup> day of September, 2007.



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Charles D. Brown  
OIC Staff Attorney

STATE OF WASHINGTON

Phone: (360) 725-7000

MIKE KREIDLER  
STATE INSURANCE COMMISSIONER



OFFICE OF  
INSURANCE COMMISSIONER

September 12, 2007

JULIE D LEMERY  
c/o MAIN STREET INSURANCE      and  
PO BOX 1391  
DUVALL WA 98019

JULIE D LEMERY  
13117 291<sup>ST</sup> AVE NE  
DUVALL WA 98019

Re:    OIC investigation case # 70369  
       Letter of Reprimand

Dear Ms. Lemery:

You were issued a letter of reprimand May 30, 2007 for advertising your agency with the name of an insurance company where you had no direct appointment in violation of WAC 284-17-457. You also did not have, registered with the Washington Office of Insurance Commissioner licensing unit as required by WAC 284-17-473, an affiliation with any agency that had a direct appointment with the company.

The letter of reprimand was issued in lieu of any other disciplinary action being taken by the Office of the Insurance Commissioner regarding case number 70369. You have not agreed to accept the letter of reprimand in lieu of any other disciplinary action and therefore the letter of reprimand is being withdrawn.

Sincerely,

A handwritten signature in cursive script that reads "Michael R. Huske".

Michael R. Huske, Manager  
Agent & Broker Investigations  
Washington State Insurance Commissioner  
PO Box 40257  
Olympia, WA 98501  
(360) 725-7261  
(360) 586-2022 fax

Copy: Patricia Peterson, Hearing Officer  
Charles Brown, Senior Staff Attorney  
Marianne Azevedo, Investigator

*Exhibit "A"*