

STATE OF WASHINGTON

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OFFICE OF  
INSURANCE COMMISSIONER

HEARINGS UNIT  
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Hearings Unit, DIC  
Patricia D. Petersen  
Chief Hearing Officer

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

MIKE KREIDLER  
STATE OF WASHINGTON  
**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 22nd day of October 2007  
at Tumwater, Washington.

Signed: Wendy Galloway

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

BEFORE THE STATE OF WASHINGTON  
OFFICE OF INSURANCE COMMISSIONER

In the Matter of:

JULIE D. LEMERY,

Licensee.

No. D07-0307

ORDER ON OIC'S  
MOTION TO DISMISS

**TO:** Julie D. Lemery  
13117 291<sup>st</sup> Avenue N.E.  
Duvall, Washington 98109

**COPY TO:** Mike Kreidler, Insurance Commissioner  
Michael G. Watson, Chief Deputy Insurance Commissioner  
Carol Sureau, Deputy Commissioner, Legal Affairs Division  
Chuck D. Brown, Sr. Staff Attorney, Legal Affairs Division  
John Hamje, Deputy Commissioner, Consumer Protection Division  
Office of the Insurance Commissioner  
PO Box 40255  
Olympia, WA 98504-0255

On May 30, 2007, the Insurance Commissioner (OIC) issued a letter of reprimand to Julie D. Lemery (Licensee), advising that the Licensee had advertised specified insurers with which she had no appointments. On August 29, 2007, the Licensee advised that she had formally requested that the letter of reprimand be rescinded, had not been successful, and was now requesting a hearing to challenge the reprimand on the basis that each of the statements therein are false, that her agency did have the right to advertise as it did and that she has the appointments, contracts, letters, e-mails and applications to prove this.



By letter dated September 12, 2007, the Licensee asserted that she has the right to clear her name and would accept a letter from the OIC stating that there was no basis for the complaint against her together with a rescission of the subject letter of reprimand.

On September 12, 2007, the OIC issued a letter to the Licensee, advising:

*You were issued a letter of reprimand May 10, 2007 [later corrected by OIC to reflect the accurate date of 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.*

On September 19, 2007, the OIC filed a Motion to Dismiss Demand for Hearing, on the basis that the Licensee *declined to accept the letter of reprimand which was accordingly withdrawn by letter dated September 12, 2007.*

In her September 24, 2007, response to the OIC's Motion to Dismiss, the Licensee asserts that the aforereferenced letter dated September 12, 2007, still does not acknowledge that she did nothing wrong and, in fact, accuses her of more wrongdoing; the Licensee further maintains that:

*On the 14<sup>th</sup> of April I supplied proof that none of Ms. Azevedo's allegations were true. She then spent the next six weeks calling each of the insurers that we were appointed/affiliated with, telling them that I had violated WA State advertising laws...Her letter of reprimand issued May 30, 2007 contained falsehoods about me and my agency. I have proof of that and should be allowed to present it. If Mr. Huske wants to rescind the letter of reprimand, he needs to state clearly that Ms. Azevedo's findings were incorrect. He can't say that I am guilty of all that Ms. Azevedo alleged in the reprimand plus add his own new accusations, then state that 'I have not agreed to accept the letter of reprimand' as his way of withdrawing it. That is not rescinding anything...I have right to have the facts in this case be heard, and to be fully cleared of any and all accusations or charges. The agent, Becky Nixon, who originally put in the complaint against me has been showing that reprimand letter all over town. She says that it is a 'matter of public record'. It is false. I need to have it cleared up once and for all. Please let me know when I can schedule the prehearing conference.*

On October 1, 2007, the undersigned held a prehearing teleconference in this matter, which included hearing on the OIC's Motion to Dismiss. During that hearing, which included all parties, the OIC advised the Licensee that it was possible that the investigation of this matter was still ongoing and that there may be further penalties in

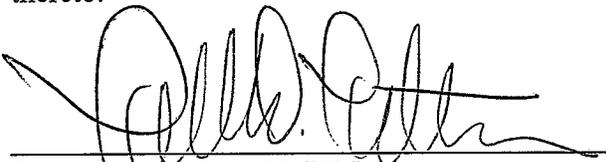
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lieu of the letter of reprimand as the Licensee had not accepted the letter of reprimand. By letter dated October 4, 2007, the OIC advised the Licensee that, *it has been determined there is insufficient basis for additional investigation. The letter of reprimand was issued and later withdrawn, pending the hearing officer's ruling on your request for a hearing.*

After review and consideration of the OIC's Motion to Dismiss, including the arguments of the parties and the entire hearing file,

**IT IS HEREBY ORDERED** that the Licensee has a right to hearing in this matter based upon the OIC's above communications and based upon the fact that there appear to still be outstanding allegations which have been made against her. The parties shall be contacted by a representative of the undersigned to schedule a mutually convenient date for hearing and a Notice of Hearing shall be entered forthwith.

**ENTERED** this 22<sup>nd</sup> day of October, 2007, in Tumwater, Washington, pursuant to Title 48 RCW, specifically RCW 48.04.010, Title 34 RCW and regulations applicable thereto.



PATRICIA D. PETERSEN  
Chief Hearing Officer