



OFFICE OF
INSURANCE COMMISSIONER

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 11th day of Feb. 2008
at Tumwater, Washington.

Signed: Wendy Galloway

BEFORE THE STATE OF WASHINGTON
OFFICE OF INSURANCE COMMISSIONER

FILED

FEB - 8 2008

Hearings Unit, OIC
Patricia D. Petersen
Chief Hearing Officer

In the Matter of:)	NO. D07-0322
)	
MATTHEW C. JONES,)	FINAL ORDER REVOKING
)	LICENSE AND TERMINATING
Licensee.)	PROCEEDING
_____)	

TO: Matthew C. Jones
5103 86th Street Court E.
Tacoma, Washington 98446

AND TO: Mike Kreidler, Insurance Commissioner
Michael G. Watson, Chief Deputy Insurance Commissioner
Charles D. Brown, Staff Attorney, Legal Affairs
Carol Sureau, Deputy Commissioner, Legal Affairs
John F. Hamje, Deputy Commissioner, Consumer Protection
Mike Huske, Manager, Agent & Broker Investigations
PO Box 40255
Olympia, WA 98504-0255

On October 15, 2007, the Insurance Commissioner (OIC) received a demand for hearing from Matthew C. Jones (Licensee), which requested a hearing to contest the OIC's Order Revoking License entered October 11, 2007. Said Order Revoking License revoked the Licensee's insurance agent's license for reasons stated therein. Based upon the date of receipt of said request for hearing, the OIC's action revoking the Licensee's insurance agent's license was stayed.

Subsequently, on October 22, 2007, a Notice of Receipt of Demand for Hearing was mailed to the Licensee at his most current address as stated in the official records held by the OIC, and e-mailed to him at the e-mail address he had indicated in his request for hearing. Said Notice advised the Licensee of the OIC's receipt of his request for hearing, indicating that he would be contacted by the Hearings Unit within 5 days to schedule a prehearing conference and advising him of procedures to be expected at hearing. In response, on October 23, 2007, the Licensee e-mailed Wendy Galloway, Paralegal in the Hearings Unit, asking whether his request for hearing stayed his license revocation until after the hearing; on October 24, 2007, Ms. Galloway responded in the affirmative.



FINAL ORDER REVOKING LICENSE & TERMINATING PROCEEDING

NO. D07-0322

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On October 25, 2007, the Licensee wrote to Ms. Galloway confirming his correct address, which was used throughout this process. Later, on October 26, 2007 the Licensee advised the OIC that "I understand that I need to pay a fine of \$500 and accept that in lieu of losing my insurance license. Since I understand and accept this penalty then I withdraw my request for a hearing regarding (sic) the revocation of my insurance licence (sic). Attached is a copy of my original response to this matter, I do not believe it was ever recieved (sic) so it is attached to this e-mail. If there is anything further required of me, or if the attachment won't open please re-contact me and let me know."

Thereafter, many times Ms. Galloway attempted to contact the Licensee to advise that a letter indicating his intent to withdraw his request for hearing, with original signature, was required, and Mr. Huske (the OIC) wrote to the Licensee transmitting a stipulation and order with request to sign and return by November 19, 2007, along with reminders to execute and return these documents. No response was received by either the OIC or the Hearings Unit. Thereafter, Ms. Galloway mailed a letter dated December 20, 2007 to the Licensee, advising that *pursuant to RCW 48.04.010 you must demand a hearing in writing, within 90 days after the date of the Order, which is the day it was mailed to you, or you waive your right to a hearing. A request for hearing was filed on October 15, 2007 ...and stat[ed] that you would be contacted by the Hearings Unit to schedule a prehearing conference. I have left phone messages and sent e-mails asking you to contact me to schedule a prehearing conference in the above matter, but have had no response from you. Please let me know as soon as possible how you would like to proceed.*

On January 17, 2008, Ms. Galloway mailed a final letter to the Licensee advising that the Hearings Unit had received no response from him in spite of many specified communications to him, and *Please be advised that unless we hear from you by January 31, 2008, your right to a hearing will be waived in this matter. Also, while the Insurance Commissioner's Order Revoking License was stayed (considered not to be effective) from its effective date of October 31, 2007 until now, if you do not respond by January 31, 2008 with your continued Demand for Hearing or indication that you are settling this matter with Mr. Huske [the OIC], as of January 31, 2008, your insurance agent's license is revoked with no further notice, and an Order will be entered advising the public that your insurance agent's license is revoked as of January 31, 2008.* No response has been received as of February 8, 2008.

Because of your failure to respond, you have chosen to waive your right to a hearing in the above-referenced matter. You are legally obligated to comply in every respect with the Order Revoking License, No. D07-0322, issued against you on October 11, 2007. Specifically, under the terms of the Order, effective immediately, your license is revoked as of the date of this Order. A copy of the Order Revoking License, D07-0322, is hereby attached. Your right to a hearing in this matter is waived and you have no right to renew this appeal.

FINAL ORDER REVOKING LICENSE & TERMINATING PROCEEDING

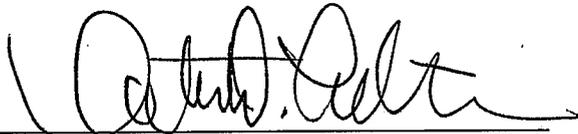
NO. D07-0322

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IT IS HEREBY ORDERED that the Order Revoking License issued on October 11, 2007, is hereby in effect, and if the licensee has not already done so, shall return his insurance agent's license certificate to the Office of the Insurance Commissioner, P.O. Box 40255, Olympia, Washington 98504-0255 immediately.

IT IS FURTHER ORDERED that this proceeding is dismissed with prejudice and terminated.

This Order is entered at Tumwater, Washington on this 8th day of February, 2008, pursuant to RCW 34.05, WAC 10-08-210 and RCW 48.04.010.



PATRICIA D. PETERSEN
Chief Hearing Officer



OFFICE OF
INSURANCE COMMISSIONER

FILED

2007 OCT 22 A 9:04

In the Matter of

Matthew C. Jones,

Licensee.

No. D 07- 0322

ORDER REVOKING LICENSE

Hearings Unit, DIC
Patricia D. Petersen
Chief Hearing Officer

To: Matthew C. Jones
5103 86th St Ct E
Tacoma, WA 98446

IT IS ORDERED AND YOU ARE HEREBY NOTIFIED that your license is REVOKED, effective October 31, 2007, pursuant to RCW 48.17.530 and 48.17.540(2).

THIS ORDER IS BASED ON THE FOLLOWING:

The Commissioner sent you written inquiries on June 25, August 1, and August 24, 2007. Those inquiries were related to the business of insurance, requesting response to allegations that you misrepresented Medicare in an attempt to sell a consumer your insurance plan. You called the investigator, Cheryl Penn, on September 4, 2007, and agreed to provide the written response. You did not respond and each such failure to respond promptly in writing violated RCW 48.17.475.

IT IS FURTHER ORDERED that you return your insurance agent's license certificate to the Commissioner on or before the effective date of the revocation of your license, as required by RCW 48.17.530(4).

NOTICE CONCERNING YOUR RIGHT TO A HEARING. Please note that a detailed summary of your right to contest this Order is attached. Briefly, if you are aggrieved by this Order, RCW 48.04.010 permits you to demand a hearing. Pursuant to that statute and others: You must demand a hearing, in writing, within 90 days after the date of this Order, which is the day it was mailed to you, or you will waive your right to a hearing. Your demand for a hearing must specify briefly the reasons why you think this Order should be changed. If your demand for a hearing is received by the Commissioner before the effective date of the revocation, then the revocation will be stayed (postponed) pending the hearing, pursuant to RCW 48.04.020. Upon receipt of your demand for hearing, you will be contacted by an assistant of the Chief Hearing Officer to schedule a teleconference with you and the Insurance Commissioner's Office to discuss the hearing and the procedures to be followed.

ORDER REVOKING LICENSE

No. D 07 - 0322

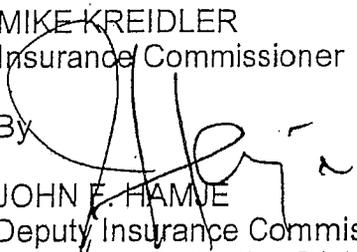
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Please send any demand for hearing to Insurance Commissioner, attention John F. Hamje, Deputy Insurance Commissioner, Consumer Protection Division, Office of the Insurance Commissioner, P.O. Box 40257, Olympia, WA 98504-0257.

ENTERED AT TUMWATER, WASHINGTON, this 11th day of October, 2007.

MIKE KREIDLER
Insurance Commissioner

By


JOHN F. HAMJE
Deputy Insurance Commissioner
Consumer Protection Division

Examiner: 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 **Matthew C. Jones**.

Dated: October 11, 2007
At Tumwater, Washington


Victoria Estrada

NOTICE OF YOUR RIGHT TO A HEARING

You have the right to demand a hearing to contest this Order. During this hearing, you can present your argument that the Order should not have been entered for legal and/or factual reasons and/or to explain the circumstances surrounding the activities which are the subject of this Order. You may be represented by an attorney if you wish, although in some hearings before this agency parties do choose to represent themselves without an attorney.

Your Demand for Hearing should be sent to John F. Hamje, Deputy Insurance Commissioner, Office of the Insurance Commissioner, P.O. Box 40257, Olympia, WA 98504-0257, and must briefly state how you are harmed by this Order and why you disagree with it. You will then be notified both by telephone and in writing of the time and place of your hearing. If you have questions concerning filing a Demand for Hearing or the hearing process, please telephone the Hearings Unit, Office of the Insurance Commissioner, at 360/725-7002.

Your Demand for Hearing must be made within 90 days after the date of this Order, which is the date of mailing, or your Demand will be invalid and this Order will stand. If your Demand for Hearing is received before the effective date of this Order, the penalties contained in the Order will be stayed (postponed) until after your hearing.

It is important to know that if you demand a hearing, you will have two options for how it will be handled:

Option 1: Unless you specifically request Option 2, your hearing will be presided over by an administrative law judge from the Office of the Insurance Commissioner. Under this option, upon receipt of your Demand for Hearing, the Insurance Commissioner may refer the case to an administrative law judge. The administrative law judge is an individual who has not had any involvement with this case. The administrative law judge will hear and make the final decision in the case without any communication, input or review by the Insurance Commissioner or staff or any other individual who has knowledge of the case. This administrative law judge's final decision may uphold or reverse the Commissioner's action or may instead impose any penalties which are less than those contained in the Order.

Option 2: If you elect, your hearing will be presided over by an administrative law judge from the Office of Administrative Hearings. That administrative law judge will issue an initial or recommended decision which will then be sent to the Insurance Commissioner. The Insurance Commissioner, or his designee, will review the initial decision and make the final decision. The Insurance Commissioner's final decision in the case may uphold, reverse or modify the initial decision, thereby changing the penalty which is recommended in the initial decision. In writing the final decision, the Insurance Commissioner is not bound by the findings of facts or conclusions of law which were made in the initial decision.