

STATE OF WASHINGTON

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OFFICE OF  
INSURANCE COMMISSIONER  
HEARINGS UNIT  
Fax: (360) 664-2782

2007 MAY 16 P 12: 58

Hearings Unit, DIC  
Patricia D. Petersen  
Chief Hearing Officer

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

MIKE KREIDLER  
STATE 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 16 day of May 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 re: )  
)  
)  
NORTH AMERICAN DEALER CO-OP, )  
)  
)  
Appellant. )  
)  
\_\_\_\_\_ )

NO. D07-149  
NOTICE OF HEARING

TO: Brian M. King, Esquire  
Davies Pearson P.C.  
P.O. Box 1657  
Tacoma, Washington 98401

Chad Greenlee  
North American Dealer Co-Op  
1661 Wadsworth Boulevard  
Lakewood, Colorado 80214

Henry C. Bailey, Jr.  
North American Dealer Co-Op  
1661 Wadsworth Boulevard  
Lakewood, Colorado 80214

COPY TO: Mike Kreidler, Insurance Commissioner  
Michael G. Watson, Chief Deputy Insurance Commissioner  
James T. Odiorne, Deputy Commissioner, Company Supervision  
Carol Sureau, Deputy Commissioner, Legal Affairs  
Marcia Stickler, Staff Attorney, Legal Affairs  
P.O. Box 40255  
Olympia, Washington 98504-0255



NOTICE OF HEARING  
No. D07-149, Page 2

On April 24, 2007, North American Dealer Co-op (NADC), by and through Brian M. King, Esq., of Davies Pearson, P.C. of Tacoma, Washington, filed a Request for Hearing dated April 23, 2007, in this matter.

The purpose of the subject request for hearing is to contest the threatened act, the position of the Commissioner (OIC) presented as bases for said act, as articulated in the OIC's letter to the NADC dated April 17, 2007. Briefly, the OIC asserts that, based upon a review of the Western Insurance Company contractual liability policy and the NADC Membership Agreement, NADC and Western have entered into an insurance premium refund incentive program whereby NADC is offering insurance without a certificate of authority, and its member dealers are acting as unlicensed agents for an unauthorized insurer.

Accordingly, on May 14, 2007, the undersigned held a first prehearing teleconference in this matter. NADC was represented by Mr. King. The OIC appeared pro se, by and through Marcia Stickler, Staff Attorney in his Legal Affairs Division. All questions were responded to, and the undersigned discussed procedure to be expected at hearing. Further, during said prehearing conference the parties agreed that the hearing in this matter shall be scheduled to commence on Wednesday, August 15, 2007 at 10 a.m., P.S.T. Further, the parties acknowledged that at this time the Commissioner has not entered an actual enforcement order against NADC, nor is one in effect; therefore, the parties acknowledge, the OIC has no expectation that, in the period from now until a final order on hearing is entered, NADC will cease the activities which are the subject of this hearing.

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 and WAC 284-22-090. NADC will be represented by Brian King, Esq. of Davies Pearson, P.C. of Tacoma, Washington. His mailing address is P.O. Box 1657, Tacoma, Washington 98401, and his telephone number is (800) 439-1112. The Insurance Commissioner will appear pro se, by and through Marcia Stickler, Staff Attorney for Legal Affairs. Her mailing address is P.O. Box 40255, Olympia, WA 98504-0255 and her telephone number is (360) 725-7048.

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.

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, without input, review or any other communication with the Insurance Commissioner, his staff, or any individual having knowledge of the facts herein, as required by RCW 34.05.455 concerning ex parte communications and other

NOTICE OF HEARING

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requirements. Her address is P.O. Box 40255, Olympia, WA 98504-0255 and her telephone number is (360) 725-7105.

As above, on May 14, 2007, the undersigned held a first prehearing teleconference in this matter and has determined that no further prehearing conferences are necessary. However, any party may request an additional prehearing conference to discuss procedure or any other issue should they desire. Such requests 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.

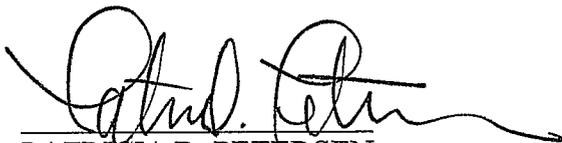
This Notice is provided pursuant to RCW 48.04.010 and RCW 34.05.434.

**ORDER**

Based upon the above activity,

IT IS HEREBY ORDERED that the adjudicative hearing in this matter shall commence on **Wednesday, August 15, 2007, at the hour of 10:00 a.m., P.S.T.**, in the Office of the Insurance Commissioner, 5000 Capitol Boulevard, Tumwater, Washington 98501.

ENTERED AT TUMWATER, WASHINGTON, this 16<sup>th</sup> day of May, 2007.



PATRICIA D. PETERSEN  
Presiding Officer



OFFICE OF  
INSURANCE COMMISSIONER

HEARINGS UNIT  
Fax: (360) 664-2782

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

Wendy Galloway  
Paralegal  
(360) 725-7002  
[wendyg@oic.wa.gov](mailto:wendyg@oic.wa.gov)

To request an interpreter, complete and mail this form to:

Chief Hearing Officer  
Office of Insurance Commissioner  
P.O. Box 40255  
Olympia, Washington 98504-0255

**REQUEST FOR INTERPRETER**

I am a party or witness in Matter No. \_\_\_\_\_, before the Insurance Commissioner. I NEED AN INTERPRETER and request that one be furnished.

Please check the statements that apply to you:

I am a non-English-speaking person. I cannot readily speak or understand the English language. My primary language is \_\_\_\_\_ (insert your primary language). I need an interpreter who can translate to and from the primary language and English.

I am unable to readily understand or communicate the spoken English language because:

- I am deaf.
- I have an impairment of hearing.
- I have an impairment of speech.

[Please state below or on the reverse side any details which would assist the commissioner or presiding officer in arranging for a suitable interpreter, or in providing appropriate mechanical or electronic amplification, viewing, or communication equipment.]

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

Please print or type your name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Mailing Address: P.O. Box 40255 • Olympia, WA 98504-0255  
Street Address: 5000 Capitol Blvd. • Tumwater, WA 98501

