

quote. On July 17, 2006, the investigator responded *via* e-mail with the information, and also asked Mr. Kirchhof whether GMWW was allowed to do business in Washington. Neither GMWW nor Mr. Kirchhof responded to this inquiry. On July 24, 2006, and again on August 2, 2006, Mr. Kirchhof sent follow up e-mails again soliciting the OIC's investigator.

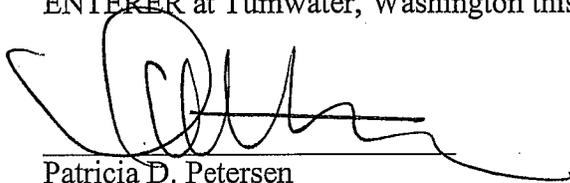
4. Findings 1 through 3 are based on the allegations contained in the OIC's Notice of Pre-Hearing Conference ("Notice") filed July 10, 2007. This Notice was served on Mr. Kirchhof by Jodie Thompson of the OIC by mail, facsimile, and e-mail. As set forth in the OIC Motion and the Declaration of Jodie Thompson, copies of the Notice were mailed, e-mailed, and faxed on July 25, 2007. Mailed copies of the Notice were not returned by the US Postal Service. Notices sent via facsimile and e-mail were delivered as set forth in OIC's Motion and Declaration of Jodie Thompson. These copies of the Notice were sent on July 25, 2007.
5. The Notice established a Pre-Hearing Conference date of August 20, 2007, and provided "Pursuant to RCW 34.05.434(2)(i), a party who fails to attend or participate in a hearing or other stage of an adjudicative proceeding may be held in default in accordance with RCW 34.05 *et seq.* The aforementioned pre-hearing conference is considered an "other stage of an adjudicative proceeding" under this provision." It again stated that "[i]n the event of any failure to appear at any pre-hearing conference, final hearing, or any other hearing or proceeding, a default order may be entered," and it recited the full text of RCW 34.05.440.
6. On August 16, 2007, the August 20, 2007 hearing date was changed to August 27, 2007. Also on August 16, 2007, Paralegal Wendy Galloway e-mailed "Tim Kirchhof" a notice of the new pre-hearing date, and she also mailed him a letter with the same notice via U.S. Mail.
7. On August 27, 2007, the pre-hearing conference was held but "Tim Kirchhof" failed to attend or participate telephonically.
8. On September 4, 2007, after Mr. Kolenda provided Ms. Galloway and the undersigned with further possible contact information for "Mr. Kirchhof" and "Hole-in-Won.com," letters were mailed to each, enclosing copies of Ms. Galloway's August 16, 2007 letter and the Pre-Hearing Notice, and stating, in part:

... a pre-hearing conference was held telephonically on August 27, 2007, and you failed to participate. To prevent entry of a default order against you, please contact Wendy Galloway at (360) 725-7002 to schedule a pre-hearing conference. Please note that your failure to do so may result in a default against you.
9. None of the above-referenced September 4, 2007 letters or the enclosures were returned by the U.S. Postal Service as undeliverable or otherwise, and Mr. Kirchhof has since failed to appear or contact OIC.
10. Tim Kirchhof has failed to appear and has failed to respond.

III. ORDER

Tim Kirchof is in default.

ENTERER at Tumwater, Washington this 26th day of November, 2007.

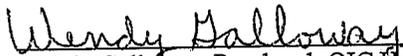


Patricia D. Petersen
Presiding Officer

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 Timothy Kirchof, 1 Jacob Lane, Rowayton, CT 06851, and to Timothy Kirchof, c/o Hole-In-Won.com, 222 Purchase Street, Rye, N.Y., 10585, Timothy Kirchof, 1 Timberline, Norwalk, CT 06854, Timothy Kirchof, 97 Michelle Drive, Windsor Locks, CT 06096, Timothy Kirchof, 291 Rowayton Avenue, Apartment #1, Norwalk, CT 06854, and to Mike Kreidler, Insurance Commissioner, Michael G. Watson, Chief Deputy Insurance Commissioner, James T. Odiome, Deputy Commissioner, Company Supervision, Carol Sureau, Deputy Commissioner, Legal Affairs Division, Alan Michael Singer, Staff Attorney, Legal Affairs Division, P.O. Box 40255, Olympia, Washington 98504-0255.

Signed at Tumwater, Washington, on November 26, 2007.



Wendy Galloway, Paralegal, OIC Hearings Unit