

STATE OF WASHINGTON

Phone: (360) 725-7000

MIKE KREIDLER
STATE INSURANCE COMMISSIONER



FILED

OCT 01 2007

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 2nd day of October 2007 at Tumwater, Washington.

OFFICE OF INSURANCE COMMISSIONER

Hearings Unit, OIC
Patricia D. Petersen
Chief Hearing Officer

Signed: Wendy Galloway

HEARINGS UNIT
Fax: (360) 664-2782

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

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

BEFORE THE STATE OF WASHINGTON
OFFICE OF INSURANCE COMMISSIONER

In the Matter of:)
)
GOLF MARKETING WORLDWIDE, LLC,)
GOLF MARKETING; GOLF MARKETING)
INCORPORATED; HOLE-IN-WON.COM;)
HOLE-IN-WON.COM WORLDWIDE;)
GOLF MARKETING, LLC,)
Unauthorized Insurers, AND)
)
KEVIN KOLENDA, TIM KIRCHHOF, et al.,)
Principals.)

NO. D07-204
NOTICE OF HEARING

TO: Mr. Kevin Kolenda
380 Connecticut Avenue, Box 385
Norwalk, Connecticut 06854

Mr. Tim Kirchoff
1 Jacob Lane
Rowayton, Connecticut 06851

Hole-in-Won.Com
222 Purchase Street
Rye, New York 10585

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 Division
Alan Michael Singer, Staff Attorney, Legal Affairs Division
P.O. Box 40255
Olympia, Washington 98504-0255

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



NOTICE OF HEARING
No. D07-204, Page 2

On July 10, 2007, the Insurance Commissioner (Commissioner) filed a Notice of Pre-Hearing Conference to Set a Final Hearing at Which to Request Imposition of Fines in this matter. The purpose of the Notice of Pre-Hearing Conference is to schedule a hearing at which the Commissioner seeks to impose a fine against Golf Marketing Worldwide, LLC, Golf Marketing, Golf Marketing Inc., Hole-in-Won.com, Hole-in-Won.com Worldwide, Golf Marketing, LLC and their principals, Kevin Kolenda and Tim Kirchhof, et al., for illegal solicitation of unauthorized insurance and to enjoin Golf Marketing et al., their officers, directors, agents, trustees, employees and affiliates from any further violation of the Commissioner's Order to Cease and Desist, No. D04-26, entered on February 6, 2004.

Accordingly, on August 27, 2007, the undersigned held a first prehearing teleconference in this matter. Kevin Kolenda appeared pro se, representing all entities as a duly authorized representative, except Tim Kirchhof and any other existing individual principals. Although Mr. Kirchhof was given written notices of this scheduled first prehearing teleconference by the undersigned, addressed to several of his known addresses as documented in the hearing file, he failed to respond or appear at the first prehearing conference. The OIC appeared pro se, by and through Alan M. Singer, Staff Attorney in his Legal Affairs Division. All questions were responded to, and the undersigned discussed procedure to be expected at hearing. Of significance, during said prehearing conference the parties agreed that the hearing in this matter shall be scheduled to commence on Wednesday, December 5, 2007 at 10 a.m., P.S.T. The parties further agreed that discovery cutoff should be as of three weeks before the hearing date; the exchange of (nonbinding) witness lists and documents should be done no later than two weeks before the hearing date (although Mr. Kolenda indicated that he does not expect to call any witnesses other than himself); and hearing briefs should be submitted, if any party chooses to submit hearing briefs, no later than two days before the hearing date (although a post hearing brief may be submitted, if any party chooses to submit a post hearing brief).

Subsequently, on September 10, 2007, the undersigned held a second prehearing teleconference to respond to further questions of Mr. Kolenda. Of significance, it was acknowledged that, as promised, Mr. Kolenda did furnish a different address for Mr. Kirchhof, and a notice of second prehearing conference was sent to that new address, as well as his old addresses; Mr. Kolenda was advised that such attempts satisfied the notice requirement to be given to Mr. Kirchhof and should Mr. Kirchhof still fail to appear at hearing then a default order will be entered against him. Further, Mr. Kolenda advised that several of the named entities never existed; although Mr. Kolenda has represented himself and is authorized to represent the named entities, those entities which are not in existence will be identified and documented at 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. Kevin Kolenda will appear pro se, representing all above named entities except Mr. Kirchhof because Mr. Kolenda is not an attorney authorized to represent Mr. Kirchhof. Mr. Kolenda's mailing address is 380 Connecticut Avenue, Box 385, Norwalk, Connecticut 06854, and his telephone number is (203) 219-3090. The Commissioner will appear pro se, by and through Alan M. Singer, Staff Attorney in his Legal Affairs Division. His mailing address is P.O. Box 40255, Olympia, Washington 98504-0255 and his telephone number is (360) 725-7046.

NOTICE OF HEARING

No. D07-204, Page 3

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

As above, on August 27, 2007, the undersigned held a first prehearing teleconference in this matter. 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.

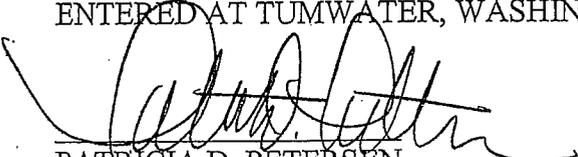
ORDER

Based upon the above activity,

IT IS HEREBY ORDERED that the adjudicative hearing in this matter shall commence **on Wednesday, December 5, 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.

IT IS FURTHER ORDERED that discovery cutoff should be as of three weeks before the hearing date; the exchange of (nonbinding) witness lists and documents should be done no later than two weeks before the hearing date; and hearing briefs should be submitted, if any party chooses to submit hearing briefs, no later than two business days before the hearing date.

ENTERED AT TUMWATER, WASHINGTON, this 15th day of October, 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

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: _____