

STATE OF WASHINGTON

Phone: (360) 725-7000

MIKE KREIDLER  
STATE INSURANCE COMMISSIONER



FILED

**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 27th day of Feb. 2007.  
at Tumwater, Washington.

Signed: Wendy Galloway

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

2007 FEB 27 A 9:30

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

Hearings Unit, DIC  
Patricia D. Petersen  
Chief Hearing Officer  
Wendy Galloway  
Paralegal  
WendyG@OIC.wa.gov.  
(360) 725-7002

STATE OF WASHINGTON  
OFFICE OF INSURANCE COMMISSIONER

In the Matter of: )  
 ) NO. D07-23  
 )  
MICHAEL A. HOWELL and )  
MICHAEL A. HOWELL INSURANCE ) NOTICE OF HEARING  
AGENCY )  
 )  
Licensees. )  
 )

TO: Michael A. Howell and  
Michael A. Howell Insurance Agency  
114 Wallace Street  
Combined Locks, WI 54113

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

On January 30, 2007, a Demand for Hearing was received from Michael Howell (Licensee) on behalf of himself and Michael A. Howell Insurance Agency. The purpose of said Demand for Hearing is to contest the Insurance Commissioner's Order Revoking Licenses entered January 12, 2007 (Order). Said Order is stayed pending the outcome of the hearing upon appeal.

Accordingly, on February 16, 2007, the undersigned held a first prehearing teleconference in this matter. Mr. Howell appeared pro se. The Insurance Commissioner (OIC) appeared pro se, by and through Carol Sureau, Esq., Deputy Commissioner for his Legal Affairs Division.



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During said prehearing conference, the undersigned reviewed administrative procedure and addressed all questions and concerns of the parties.

Specifically, the undersigned advised the parties that, pursuant to RCW 48.04.020, the OIC's Order is stayed because the Request for Hearing was filed before the effective date properly set forth in the Order. At this time, however, the Licensee has voluntarily surrendered his license to the OIC.

The Licensee's position is as stated in his Request for Hearing filed with the OIC on January 29, 2007. Briefly, the Licensee alleges that he has been an agent representing over 2000 policies and has never received a complaint in his entire career of over 10 years, has never had a claim filed on his errors and omissions policy, has been productive with Farmers Insurance Group and a member of recognized insurance associations, and maintains the designations of LUTCF and FSS. While he admits that he was out of compliance with RCW 48.17.600, he did cooperate with the OIC examiner. He asks the undersigned to consider his past history of competence and trustworthiness and believes that the revocation is very severe considering the circumstances.

The OIC's position is as stated in his Order, a copy of which is included in the hearing file and is by this reference incorporated herein.

Finally, during the above-referenced first prehearing teleconference, the parties agreed that the hearing in this matter shall be scheduled to commence at 10 a.m., on Thursday, March 22, 2007. The purpose of the hearing will be to determine the validity and propriety of the Commissioner's above-referenced Order Revoking License.

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.

The OIC will appear pro se, by and through Marcia Stickler, Staff Attorney with the Legal Affairs Division. Her mailing address is P.O. Box 40255, Olympia, Washington 98504 and her telephone number is (360) 725-7048. The Licensee plans to represent himself but is advised that he may be represented by counsel if he chooses. The Licensee's mailing address is 114 Wallace Street, Combined Locks, Wisconsin 55113, and his telephone number is (509) 793-4644.

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. Mr. Howell may be represented by counsel, and may examine witnesses and fully respond and present evidence and argument on all relevant issues involved.

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

As above, on February 16, 2007, the undersigned held a first prehearing teleconference in this matter. Any future questions or concerns, or requests for additional prehearing conferences, which may arise, 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.

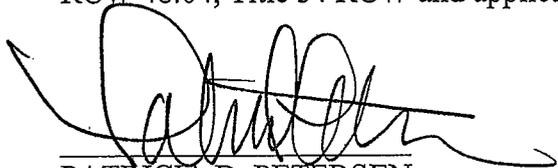
As required by RCW 34.05.434(2)(I), you are advised that a party who fails to attend or participate in the hearing or other stage of the adjudicative proceeding may be held in default in accordance with ch. 34.05 RCW.

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.

**Based upon the above activity, the adjudicative hearing in this matter shall commence on Thursday, March 22, 2007, at the hour of 10:00 a.m., Pacific Standard Time, in conference room 151 in the Office of the Insurance Commissioner, 5000 Capitol Boulevard, Tumwater, Washington 98501.**

ENTERED AT TUMWATER, WASHINGTON, this 26<sup>th</sup> day of February, 2007 pursuant to RCW 48.04, Title 34 RCW and applicable regulations.



PATRICIA D. PETERSEN  
Presiding Officer

STATE OF WASHINGTON

MIKE KREIDLER  
STATE INSURANCE COMMISSIONER

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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

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**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: \_\_\_\_\_

