

## ELLIS, LI &amp; MCKINSTRY PLLC

ATTORNEYS AT LAW

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Hearings Unit, OIC  
Patricia D. Petersen  
Chief Hearing Officer

February 6, 2008

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(1932-1994)John Hamje  
Deputy Insurance Commissioner  
Office of the Insurance Commissioner  
P.O. Box 40257  
Olympia, WA 98504-0257**REQUEST FOR HEARING and STAY OF ORDER REVOKING LICENSES**Re: In the Matter of GARY VAN LANDINGHAM – No. D 08-0008-  
Order Revoking Licences.

Dear Mr. Hamje:

My law firm represents Gary Van LANDINGHAM in the above matter. We received the Order revoking Mr. Van LANDINGHAM's license to sell life and disability insurance in the State of Washington effective February 12, 2008. Mr. Van LANDINGHAM has been seriously aggrieved by this Order because his license to sell insurance and employment is being taken away from him by the State of Washington without due process of law. Pursuant to RCW 48.04.010, we request a hearing to contest the revocation and the findings. We further request a stay of the Order Revoking Licences pending final resolution of this matter.

The State alleges that mistakes were made involving the sale of three Bankers Life and Casualty Company ("Bankers") annuities and one Bankers Single Premium Life Insurance policy (the "Transactions"). The Transactions were made with Mr. Van LANDINGHAM's clients Ernest and Coyla HANEY, husband and wife. The State alleges that Mr. Van LANDINGHAM made misrepresentations and knowingly and willingly deceived and misled the HANEYS. These allegations without a hearing led to the finding that Mr. Van LANDINGHAM is "untrustworthy and a source of injury and loss to the public and not qualified to be an insurance agent." We DENY the allegations and findings.

Mr. Van LANDINGHAM lacked the required intent necessary to make the alleged findings that led to the revocation of his license. Mr. Van LANDINGHAM did not knowingly and willingly deceive or mislead the HANEYS. Nor did Mr. Van LANDINGHAM knowingly and willingly make misrepresentations to the HANEYS. After a thorough and detailed analysis of the HANEYS' life situation and investments, Mr.

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Van Landingham offered a life estate/financial plan that he thought was best for the Haneys. The Haneys and Mr. Van Landingham's employer, Bankers, approved the Transactions after full disclosure.

Moreover, the Haneys have been reimbursed and made whole for any losses they may have incurred. Revoking Mr. Van Landingham's license is a disproportionate punishment for alleged mistakes. Mr. Van Landingham has been selling life insurance for about 18 years. This is the first and only complaint ever made against him. Furthermore, the complaint did not come from the Haneys, but rather their former insurance agent. The Haneys expressed great displeasure with that agent's lack of service and therefore hired Mr. Van Landingham.

We look forward to hearing from the Chief Hearing Officer to schedule a teleconference to discuss the hearing and the procedures to be followed. Thank you.

Very truly yours,

ELLIS, LI & MCKINSTRY PLLC



Andrew S. Mathers

Cc: Gary Van Landingham