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OFFICE OF
INSURANCE COMMISSIONER 2012 APR 19 12:01HEARINGS UNIT
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April 19, 2012

Rose Howell
9504 N.E. 5th Street
Vancouver, WA 98664

RE: Motion for Reconsideration re Denial of Petition for Declaratory Order (Judgment)

Dear Ms. Howell:

On March 1, 2012, you filed a 49 page Petition for Declaratory Order (Judgment) with the Hearings Unit, which included 18 pages of authorities which you believe support your position. Briefly, your Petition asked me to enter a Declaratory Order declaring by order 1) that you are entitled to certain specific benefits from Safeco Insurance Company of Illinois, and perhaps other private individuals and/or companies, as compensation for injuries caused by a Mr. Plotner who was insured by Safeco Insurance Company of Illinois at the time (13 years ago); and 2) that you are entitled to certain disability payments which you assert were wrongfully paid to a third party.

On March 15, 2012, I entered a final Order Dismissing Petition for Declaratory Ruling, *sua sponte*, dismissing your Petition on two bases: 1) As set forth in detail in my Order, your Petition does not qualify for a Declaratory Order under RCW 34.05.240(1), the applicable portion of the Washington State Administrative Procedures Act. 2) As also set forth in detail in my Order, even if your Petition were not considered to be a Petition for Declaratory Order but as a request for relief in this case through some other means, I have no jurisdiction to consider your claims against Respondents. This is because, as also detailed in my Order, you are requesting that I adjudicate your claims against Respondents. As I explained in my Order, because I have no statutory authority or jurisdiction to adjudicate your private claims against Respondents, or to

grant you the relief you seek against Respondents, my Order Dismissing Petition was entered and this case was dismissed.

On March 26, 2012, you filed a Motion for Reconsideration (Declaratory Order) and Request for Hearing, requesting that I reconsider my decision in my final Order Dismissing Petition for Declaratory Ruling. For your information, pursuant to RCW 34.05.470(3), *an agency is deemed to have denied the petition for reconsideration if, within twenty days from the date the petition is filed, the agency does not either: (a) Dispose of the petition; or (b) serve the parties within a written notice specifying the date by which it will act on the petition.* I purposely did not take action on your Request for Reconsideration, determining that it should be deemed to be denied.

Please be advised that should you file any further documents asking for relief in this matter in this forum, there will be no response provided: this letter is sent to you as a courtesy to reiterate that I simply have no statutory authority or jurisdiction to adjudicate your claims against Respondents. My Order Dismissing Petition for Declaratory Ruling entered March 15, 2012, was a final order upon entry on March 15, became effective on that day, and remains final.

Sincerely,



Patricia D. Petersen
Chief Hearing Officer
Presiding Officer

cc: Charles Brown, Sr. Staff Attorney, OIC Legal Affairs
Colleen Barrett, Esq., Barrett & Worden, P.S.
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