

1 COMES NOW, Rose Howell a.k.a Rosemarie Anne (Vikara) Howell
2 (RCW 34.05.470¹) files MOTION TO RECONSIDER and ASKS that: (1) the
3 Hearing Officer *re-open* Case No. G08-0084 (RCW 48.04.010); (2) conduct a
4 hearing (RCW's 48.02.065, 48.99.030 and 48.04.010), and; (3) *define* the
5 uncertainty and *clarify* the statutes, rules, and orders referenced herein (RCW
6 34.05.240) as applied to the commissioner's orders (Case No. G08-0084) and
7 Howell's petition (Declaratory Order); *see*, 28 U.S. C.S. § 2201.
8
9

10 First, under Titles 48 and 34.05 RCW Howell DEMANDS a hearing and
11 AMENDS for the following reasons:
12

13 1.) Under RCW 48.02.065, Howell AMENDS the petition by requesting a
14 hearing to *allow inspection of information exempt from public disclosure*.

15 RCW 48.02.065 – (8) Any person may petition to allow inspection of information exempt
16 from public disclosure. The court shall allow an in-camera review after notifying the
17 commissioner and every party that produced the information. The court may order the
18 commissioner to allow the petitioner access.....

19 2.) Under RCW 48.04.010, the Chief Hearing Officer has authority under Title
20 48 RCW and Title 34.05 RCW to conduct said hearing.

21 3.) Under RCW 48.04.010 (1), Howell DEMANDS a hearing because as is
22 referenced herein [she] is “aggrieved” *by the commissioner’s act, failure to*
23 *act, and orders* in the matter of ‘solvency’ (rehabilitation) and distribution,
24 Case No. G08-0084, and;

25 4.) Under RCW 48.04.010 (2), Howell [*does*] CHALLENGE the acts of the
26 Insurance Commissioner and the SEC in Case No. G08-0084 (on / before /
27 after September 18, 2008), because the orders are the result of third party(S)

28
29 ¹ RCW 34.05.470 (5) - The filing of a petition for reconsideration is not a prerequisite for seeking judicial
30 review.
31
32

1 FRAUD and identity theft (RCW 9A.60.040) without authority of law (RCW
2 48.31.151) which is causing daily uncertainty, controversy, and adverse
3 affects on Howell (RCW 34.05.240 (1-3)).

4 5.) Under RCW 48.99.030, Howell DEMANDS a hearing whereby, the Hearings
5 Officer must conduct delinquency hearings – appoint a receiver to wind-up
6 and take possession of said property under RCW 48.31.100, and liquidate
7 under RCW 48.31.165 and RCW 48.31.171.

8 6.) Therefore, for the above-mentioned reasons the Hearings Officer “must” *re-*
9 *open* Case No. G08-0084 and *re-determine* this uncertainty by clarifying the
10 rules, statutes, and orders as applied to the commissioner’s orders (G08-
11 0084) and the affirmative facts set forth in the petition; *Schneider v. Snyder’s*
12 *Foods, Inc.*, 116 Wn. App. 706, 716, 66 P.3d 640 (*citing Manke Lumber Co.,*
13 *v. Diehl*, 91 Wn. App. 793, 802, 959 P.2d 1173 (1998)).

14 Second, under RCW 48.04.010 (1), the Chief Hearing Officer has the
15 authority, because:
16

17 1.) Under RCW 48.02.065, and the “doctrine of full disclosure” conducting a
18 hearing to review information exempt from public disclosure² is within the
19 authority of the Hearings Officer under Title 48 and 34.05 RCW; *Hearst*
20 *Corp. v. Hoppe*, 90 Wn.2d 123, 128, 580 P.2d 246 (1978); see *O’Connor v.*
21 *Dep’t of Social & Health Servs.*, 143 Wn.2d 895, 907, 25 P.3d 426 (2001)
22 (interpreted under state act).

23 2.) Under RCW 48.04.010 (2), the commissioner’s orders (G08-0084)
24 “aggrieve” Howell causing uncertainty and an absolute controversy (RCW
25 34.05.240 (1-3)) as specified by the legislature under RCW 48.31.151 and
26 RCW 48.31B.060, and the orders are based on non-beneficiary third party(S)
27 fraud (RCW 9A.60.040).
28

29 ² Not to mention the information directly and indirectly affects Howell.
30
31
32

- 1 3.) Under RCW 48.04.010 (1-2) a “grievance” hearing for the purpose of *re-*
2 *opening* and *re-determining* Case No. G08-0084, is within the Chief Hearing
3 Officer’s authority because the *commissioner’s acts, failure to act, and*
4 *orders* clearly circumvent statutory intent under RCW 48.31.151 and RCW
5 48.31B.060, and because the orders directly and indirectly prejudice Howell
6 causing daily negating affects (RCW 34.05.240).
- 7 4.) Under Title 48 and 34.05 RCW, the Chief Hearing Officer has the authority to
8 preside over the above-requested hearing and *re-open* the rehabilitation order
9 (G08-0084); *Agilink Foods, Inc. v. Dep’t of Revenue*, 153 Wn.2d 392, 396,
10 103 P.3d 1226 (2005), because the “aggrieving” orders are a direct result of
11 this DEMAND and require *re-determination* clarifying RCW 48.31.151 and
12 RCW 48.31B.060, as applied to the facts (CR 55 (A), *see also*, CR 50).
- 13 5.) Under 34.05.240 (1-3), the Chief Hearing Officer has the authority to
14 interpret or enforce the statutes referenced herein, as applied to the adoption
15 and application of said agency rules or orders (G08-0084); *City of Redmond*
16 *v. Moore*, 151 Wn.2d 664, 668, 91 P.3d 875 (2004); *Isla Verde Inter.*
17 *Holdings, Inc. v. City of Camas*, 146 Wn.2d 740, 752, 49 P.3d 867 (2002)
18 (*re-determine* the orders (G08-0084) as applied to statutes), because the
19 commissioner’s orders (G08-0084) caused uncertainty as applied to the
20 statutes referenced herein under Title 48 RCW (specifically RCW 48.31.151,
21 48.31.280, 48.31B.060, 48.05.090, 23.86.230, 23.90), and because the orders
22 “aggrieve” Howell (RCW 48.04.010) causing uncertainty and adverse affects.
23
- 24 6.) Under Title 48 (RCW 48.31B.060) and 34.05 RCW, the Chief Hearing
25 Officer presided over the hearings during the SEC approval process (G08-
26 0084), but failed to tender the trust to Howell, and therefore this application
27 to *re-open* Case No. G08-0084 and *re-determine* this uncertainty (RCW’s
28 34.05.240 (1-3), 48.04.010 (1-2)) is brought before the proper and
29
30
31
32

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

appropriate venue for said *amended orders*; *Bock v. State*, 91 Wn.2d 94, 99, 586 P.2d 1173 (1978), and;

7.) Under Titles 48 and 34.05 RCW, the Chief Hearing Officer has the authority to *re-open* Case No. G08-0084 and *re-determine the fraudulent orders* as applied to statutes referenced herein because this is not a matter of coverage dispute; *McGreevy v. Oregon Mutual Ins. Co.*, 128 Wn.2d 26, 39-40, 904 P.2d 731 (1995), but rather a matter of absolute uncertainty arising from the commissioner's orders (G08-0084) and the absolute need for clarity (RCW 48.31.151 and RCW 48.31B.060) determining when, how, and, and.....in what capacity before further adverse affects (RCW 48.04.010 and RCW 34.05.240).

8.) Under RCW 48.99.030, the Hearings Officer has the authority to conduct delinquency proceedings, appoint a receiver (RCW 48.31.100), and make certain the necessary liquidation (RCW 48.31.165 and RCW 48.31.171); *Yount v. Indianola Beach Estates, Inc.*, 63 Wn.2d 519, 524-25, 387 P.2d 975 (1964) (retaining jurisdiction through dissolution).

9.) Because there is no stipulation on the issues or agreement by consent; *Wash. Asphalt Co. v. Harold Kaeser Co.*, 51 Wn.2d 89, 91, 316 P.2d 126 (1957); *Smyth Worldwide Movers, Inc. v. Whitney*, 6 Wn. App. 176, 179, 491 P.2d 1356 (1971), the Chief Hearings Officer would be acting as more than an advisory position (RCW 34.05.240).

10.) For the reasons set forth herein, the Chief Hearings Officer "must" conduct a hearing by re-opening Case No. G08-0084.

Third, under RCW 48.04.010 (2), the *commissioner's acts, failure to act, and orders* (G08-0084) have seriously "aggrieved" Howell, because:

1.) The Insurance Commissioner made certain the trust assets are 'solvent' (RCW's 48.05.090, 23.90), but held the hearings solely with non-beneficiary

1 third party(S) having no right or authority constituting reversible error
2 (fraud).

3 2.) The commissioner and SEC guaranteed the trust solvent under Liberty
4 Mutual Holding Co., Inc., Et Al. (RCW's 48.31B.060, 23.86.230), but the
5 commissioner's orders (G08-0084) deprive Howell the legal rights to
6 exercise the benefits of that trust; *Scully v. US WATS, Inc.*, 238 F.3d 497 (3rd
7 Cir. 2001).

8 3.) On September 18, 2008 the following assets were declared 'solvent' owing
9 this Demand, but the commissioner's orders (G08-0084) failed to make
10 certain Howell is paid the account balance due and owing, or any part
11 thereof:

September 18, 2008, Massachusetts Trust Assets of Rose Howell approved "solvent"	G08-0084	
Massachusetts Trust Accounts	WA. UBI #	Delaware #
Safeco Common Stock Trust	601495758	2336716
Safeco Managed Bond Trust	601531842	2336717
Safeco Resource Series Trust	601495757	2336706
Safeco Tax Exempt Bond Trust	601495754	2336719
Safeco Taxable Bond Trust	601495750	2336718
Safeco Insurer's acquired / merged (G08-0084)		

19 4.) The commissioners orders (G08-0084) afford third parties the ability to
20 ascertain trust assets, file claims, attain disbursements, and secure fiduciaries
21 (RCW 48.31.151 and RCW 48.17.480) using Howell's identity (RCW
22 9A.60.040); *Troxel v. Granville*, 530 U.S. 57, 120 S. Ct. 2054, 147 L. Ed.2d
23 49 (2000) (third parties without rights).

24 RCW 48.31.151 – *Whenever a creditor whose claim against an insurer is secured,*
25 *in whole or part, by the undertaking of another person.....he or she discharges the*
26 *undertaking. "In the absence of an agreement with the creditor" to the contrary, the*
27 *other person is not entitled to a distribution until the amount paid to the creditor on the*
28 *undertaking plus the distributions paid on the claim from the insurer's estate to the*
29 *creditor equals 'the amount of the entire claim of the creditor' (emphasis added.) The*
30 *creditor shall hold any excess received by him or her in trust for the other person...*

1 5.) The commissioner's acts, failure to act, and rehabilitation orders (G08-0084)
2 have ignored the fact that the common fund (trust) has benefited non-
3 beneficiaries making disbursements, taking cash advances, and in doing so
4 failed to pay Howell for the amount due and owing, or any part thereof
5 (RCW 48.31.151 and RCW 48.31.280); *Yniguez v. Arizona*, 939 F.2d 727,
6 735 (9th Cir. 1991) (*quoting Hansberry v. Lee*, 311 U.S. 32, 40, 61 S. Ct. 115,
7 85 L.Ed.22 (1940) (binding debtors to the demand).

8 RCW 48.31.280 – Priority of distribution of claims: (1) Class 1: costs; (2) Class 2: Loss
9 Claims (Howell's Demand); (3) Class 3 – Third party (claims of the federal government;
10 (4) Class 4: Employee compensation; (5) Class 5: Claims of general creditors.

11 6.) The commissioner's acts, failure to act, and orders (G08-0084) have 'very
12 possibly' impaired the solvency of the trust; *McDonald v. Williams*, 174 U.S.
13 397 (1899) (a suit was brought compelling the repayment of third party
14 distributions³).

15 7.) The commissioner's acts, failure to act, and orders (G08-0084) are very
16 possibly the result of an unambiguous case of misrepresentation of solvency;
17 *Prima Pain Corp. v. Flood & Conklin Mfg. Co.*, 343 U.S. (1967), that
18 requires *re-determination* before further negating affects (RCW 48.04.010
19 and 34.05.240).

20 8.) The commissioners acts, failure to act, and orders have made certain trust
21 assets (common fund) are / have been distributed to third party(S) not privy
22 under the by-stander provisions; *Dillon v. Legg*, 441 P.2d 912 (Cal. 1968);
23 see also, e.g., *Thing v. LaChusa*, 771 P.2d 814 (Cal. 1989).

24 9.) The commissioners acts, failure to act, and orders (G08-0084) through SEC
25 approval process made certain third party fraud "is" maintained by accepting
26 fraudulent agreements that are / were made without subject matter
27 jurisdiction; *Dougherty v. Dep't of Labor & Indus.*, 150 Wn.2d 310, 316, 76

28
29 ³ 11-0261, it was desired to keep this out of court therefore it is in the interest of justice Case No. G08-0084
30 be re-visited and this matter forthwith remedied (emphasis added.)

1 P.3d 1183 (2003) (*quoting Markley v. Dep't of Labor & Indus.*, 125 Wn.2d
2 533, 539, 886 P.2d 189 (1994).

3 10.) The commissioner's acts, failure to act, and orders (G08-0084) have failed
4 to force indemnification of the above-mentioned debtors duties and
5 obligations as set forth in the printed terms and conditions of the trust (WAC
6 284-13-550); *Am. Best Food, Inc. v. Alea London, Ltd.*, 168 Wn.2d 398, 404,
7 229 P.3d 693 (2010).

8 11.) The commissioner's acts, failure to act, and orders (G08-0084) have
9 ignored the mutual intent, duties and obligations, and responsibilities as set
10 forth in the terms and conditions of trust (WAC 284-13-550); *Corbray v.*
11 *Stevenson*, 98 Wn.2d 410, 415, 656 P.2d 473 (1982) (the mutual intent is set
12 forth in the instrument of said trust); *Puget Sound Fin., LLC v. Unisearch,*
13 *Inc.*, 146 Wn.2d 428, 434, 47 P.3d 940 (2002) (extensions of credit imply the
14 debts are covered).

15 12.) The commissioner's acts, failure to act, and orders (G08-0084) has not
16 compelled [any] insurance claim paid to Howell (March 3, 1999) instead
17 others are unjustly enriched; *Boeing Co. v. Van Gemert*, 444 U.S. 472, 478,
18 100 S. Ct. 745, 62 L.Ed.2d 676 (1980) (RCW 9A.60.040).

19 13.) The commissioner's acts, failure to act, and orders (G08-0084) have
20 facilitated the acts of bad faith, deceptive practices (WAC 284-30-330), and
21 Consumer Protection Act violations under Chapter 19.86; *Coventry Assocs. v.*
22 *Am. States Ins. Co.*, 136 Wn.2d 269, 281, 961 P.2d 933 (1998).

23 14.) The commissioner and SEC "aggrieve" Howell (RCW 48.04.010) by
24 failing to notify Howell of the hearings (G08-0084) circumvented the fact
25 that the hearings would not have been necessary, if not for Howell's
26 DEMAND,⁴ and further avoided the issues⁵.

27
28 ⁴ See Petition for Declaratory Order, at pg. 29-30.

29 ⁵ See Demand, dated January 17, 2012.

30
31
32

- 1 15.) The commissioner's acts, failure to act, and orders (G08-0084) have made
2 certain the above-mentioned debtors are in default of their promise to pay for,
3 extensions of credit, obtained upon opening and using a common fund, in
4 which Howell is the primary beneficiary (creditor) (CR 55 (A)); *United*
5 *States v. DuBois Farms*, 1 OCAHO 225 (August 29, 1990) at 2; *U.S. v. Zoeb*
6 *Enterprises*, supra at 3.
- 7 16.) The commissioner's acts, failure to act, and orders (G08-0084) are / have
8 been causing Howell daily adverse affects (RCW 9A.42.010).
- 9 17.) The commissioner's acts, failure to act, and orders (G08-0084) are daily
10 (literally) depriving Howell life, liberty, and property (article 1 § 3 Wash.
11 Const.)
- 12 18.) The commissioner's acts, failure to act, and orders (G08-0084) have
13 circumvented Howell [entirely] ignoring the repeated complaints causing
14 further life altering injuries (RCW's 9A.32.030-070) as illustrated under 18
15 U.S. Code Section 1962 (c) and 1962 (d); *Bridge v. Pheonix Bond and*
16 *Indemnity Co.*, 128 S. Ct. 2131 (2008); *Anza v. Ideal Steel Supply Corp.*, 547
17 U.S. 451 (2006).
- 18 19.) The commissioner's acts, failure to act, and orders (G08-0084) has caused
19 malice aforethought and futuristic malice aforethought; *Palsgraf v. Long*
20 *Island Railroad Co.*, 162 N.E. 99 (N.Y. 1928) (duty to warn this readily
21 identifiable accident victim and beneficiary).
- 22 20.) The commissioner's acts, failure to act, and orders (G08-0084) have not
23 disbursed the considerable funds in the state's coffer's (RCW 48.05.080)
24 although the state is a third party depriving Howell life, liberties, and
25 property (literally) (article 1 § 3 Wash. Const.)
- 26 21.) The commissioner's acts, failure to act, and orders (G08-0084) are
27 circumventing legislative intent because Howell's demand is [mandated] to
28 be tendered [entirely] satisfied before third parties (RCW 48.31.151 and
29
30
31
32

1 RCW 48.31.280); *Cockle v. Dep't of Labor & Indus.*, 142 Wn.2d 801, 807,
2 16 P.3d 583 (2001) (citing *Stuckley v. Dep't of Labor & Indus.*, 129 Wn.2d
3 289, 295, 916 P.2d 399 (1996)); *Dept. of Ecology v. Cambell & Gwinn, LLC*,
4 146 Wn.2d 1, 9-10, 43 P.3d 4 (2002).

5 22.) The commissioner's acts, failure to act, and orders (G08-0084) has not
6 ordered third party funds re-appropriated and / or the assets of the holding
7 company (AIG, Et Al.⁶; Liberty Mutual, Et Al.) liquidated (RCW
8 48.31B.060) causing daily adverse affects on Howell (RCW 34.05.240 (3)).

9 23.) The commissioner's *failure to act* caused Howell deprivation, secondary
10 life altering injuries, and malice aforethought that otherwise would not have
11 occurred had the commissioner done his job ethically within the boundaries
12 of common sense, the Constitution, common law, and statutory intent
13 (altering statutory intent to obscure the Constitution is [not] the intent of the
14 legislature, unless the legislature is running RICO); *Mid Atlantic Telecom,*
15 *Inc. v. Long Distance Services, Inc.*, 18 F.3d 260 (C.A. 4th 1994); *Systems*
16 *Management, Inc. v. Loiselle*, 303 F.3d 100 (C.A. 1st 2002); and *Ideal Steel*
17 *Supply Corp. v. Anza*, 373 F.3d 251, 263 (C.A. 2nd 2004) (recovery under
18 RICO based on FRAUD whether or not the victim is the direct recipient).

19 Fourth, under RCW 34.05.240 (1), the Hearing Officer 'must' define the
20 uncertainty by clarifying the following statutes, rules, and orders as applied to
21 Howell's petition and the commissioners orders (G08-0084), because:
22

23 1.) Under RCW 34.05.240 (1), the commissioner's orders (G08-0084) cause
24 uncertainty in the rule, order, and statutes under Title 48 RCW as applied to
25 the issues of fact (CR 55 (A))⁷ because Howell is the beneficiary and the
26

27
28
29 ⁶ AIG recently received proximate to a \$17B tax relief (discount).

⁷ See Petition for Declaratory Order, at pg. 31; 34-44.

1 commissioner's orders (G08-0084) solely have benefited and conducted
2 business with third party(S), and
3 As such the Chief Hearing Officer must clarify the following as applied to the
4 facts of this particular situation:

5
6 2.) Under RCW 48.31.151, because Trust(S), disbursement(S), fiduciary(S) have
7 been disbursed to third party(S) without agreement and / or authority of law
8 Howell's DEMAND is [mandated] to be tendered entirely satisfied;
9 *Schneider*, 116 Wn. App. at 716 (citing *Seatoma Convalescent Ctr. v. Dep't*
10 *of Social & Health Servs.*, 82 Wn. App. 495, 518, 919 P.2d 602 (1996))⁸.

11 **RCW 48.31.151 – Whenever a creditor whose claim against an insurer is secured,**
12 **in whole or part, by the undertaking of another person.....he or she discharges the**
13 **undertaking. "In the absence of an agreement with the creditor" to the contrary, the**
14 **other person is not entitled to a distribution until the amount paid to the creditor on the**
15 **undertaking plus the distributions paid on the claim from the insurer's estate to the**
16 **creditor equals 'the amount of the entire claim of the creditor' (emphasis added.)**
17 **The creditor shall hold any excess received by him or her in trust for the other person...**

18 3.) Under RCW 48.31.280, Howell's DEMAND is [mandated] to be paid in its
19 entirety before third parties; *Lake v. Woodcreek Homeowners Ass'n*, 169
20 Wn.2d 516, 526, 229 P.3d 791 (2010); *Lacey Nursing Ctr., Inc. v. Dep't of*
21 *Revenue*, 128 Wn.2d 40, 53, 905 P.2d 338 (1995); *TracFone Wireless, Inc. v.*
22 *Dep't of Revenue*, 170 Wn.2d 273, 281, 242 P.3d 810 (2010) (legislative
23 intent is unambiguous). Hum! Then, why is Liberty Mutual Group, Inc., Et
24 Al. comprised of nothing but third party fiduciaries (RCW 48.17.480).

25 4.) Under RCW 48.31B.060, the holding company (AIG, ET Al; and Liberty
26 Mutual Holding Co., Inc., Et Al.) must either re-appropriate third party funds
27 and / or liquidate its [own] assets and forthwith tender Howell's DEMAND
28 entirely satisfied; *State v. Amendariz*, 160 Wn.2d 106, 110, 156 P.3d 201

29 ⁸ See Petition for Declaratory Order, at pg. 34 in re: "collateral source rule doctrine."
30
31
32

1 (2007); *Garrison v. Wash. State Nursing Bd.*, 87 Wn.2d 195, 196, 550 P.2d 7
2 (1976) (the language is plain and unambiguous).

3 RCW 48.31B.060 – (3) A person who was a parent corporation or holding company or
4 otherwise controlled the insurer when the distributions were paid is liable up to the total
amount of distributions required to fulfill its obligation ((t)his un-paid claim).....

5 5.) Under RCW 23.86.230, Liberty Mutual Holding Co., Inc., Et Al. acquired
6 this DEMAND as the “successor” company, cooperative, corporation (RCW
7 23B.14) on / before / after September 18, 2008 (G08-0084) regardless of its
8 previous oversight, and therefore is liable to tender the guaranteed DEMAND
9 satisfied; *State v. Wright*, 84 Wn.2d 645, 650, 529 P.2d 453 (1974) (the
10 statutes relate to the same subject under Title 48 RCW).

11 6.) Under RCW 48.05.090, the above-mentioned debtors are required to
12 maintain readily available assets in a U.S. trust institution, not less than all its
13 outstanding liabilities, and therefore funds are [*mandated*] to be readily
14 available to transfer to Howell’s brokerage account. This liability has been
15 known un-paid THIRTEEN YEARS; the DEMAND was served on
16 November 20, 2007; and the trust (common fund) was declared solvent (G08-
17 0084) on September 18, 2008.

18 7.) Under RCW 23.90, a Massachusetts Trust is an unincorporated business
19 association created for the benefit and profit of Howell, and the assets are
20 transferable to Howell’s control, even though nothing is said expressly in a
21 fundamental document; *United States v. Mitchell*, 463 U.S. 206, 225, 103 S.
22 Ct. 2961, 77 L.Ed2d 580 (1983), because the existing trust agreement is
23 based on third party(S) identity theft (RCW 9A.60.040) although Howell is
24 the ‘true beneficiary.’

25 RCW 23.90.020 – A Massachusetts Trust is an unincorporated business association
26 created at common law by an instrument under which property is held and managed by
27 trustees for the benefit and profit of such persons as may be or may become the holders
28 of transferable certificates evidencing beneficial interest in the trust estate.... (Emphasis
29 on the “benefit & profit” of the beneficiary.

1 8.) Under RCW 48.05.080, this State, Et Al. is considered by the legislature as
2 being a third party recipient, and as such is in possession of considerable
3 assets while daily depriving Howell life, liberties, and property (article 1 § 3
4 Wash. Const.); *State v. Hensley*, 20 Wn.2d 95, 101, 145 P.2d 1014 (1944)
5 (*citing State v. Cimini*, 53 Wash. 268, 101 P. 891 (1909)).

6 9.) Under RCW 48.02.065, Howell is entitled to review materials exempt from
7 public disclosure – maintaining the privacy of the above-mentioned debtors,
8 et al.

9 10.) Under RCW 48.17.480, third party fiduciary(S) whom diverted funds for
10 personal use, not legally belonging thereto, are committing THEFT. *See* Title
11 9A.56 RCW.

12 Fifth, under RCW 34.05.240 (2), and actual controversy exists arising
13 from the above-mentioned uncertainty, because:
14

- 15 1.) The commissioner's acts, failure to act, and orders (G08-0084) failed to
16 recognize statutory intent as applied to the facts of this particular situation
17 because Howell's DEMAND is [*mandated*] to be tendered satisfied before
18 non-beneficiary third party(S) (RCW 48.31.151 and RCW 48.31.280), and
19 therefore because the commissioner's orders solely un-justly endowed third
20 party(S) this Case No. G08-0084 must be *re-opened* and *re-determined* with
21 the 'true beneficiary.'
- 22 2.) The commissioner's orders (G08-0084) cause controversy because a trust
23 agreement is [not] an agreement by consent with Howell, but is solely an
24 agreement with non-beneficiary third party(S) committing identity theft
25 (RCW 9A.60.040).
- 26 3.) The commissioner's orders caused controversy failing to make certain
27 liquidation and / or re-appropriation took place (RCW 48.31B.060), and
28 therefore Howell's DEMAND has not been paid, or any part thereof.
29
30
31
32

1 4.) The commissioner's acts, failure to act, and orders (G08-0084) have caused
2 irrefutable damages, and therefore information exempt from public disclosure
3 is necessary (RCW 48.02.065 and the "doctrine of full disclosure").

4 5.) The commissioner's orders cause actual deprivation (RCW 9A.42.010 and
5 article 1 § 3 Wash. Const.), therefore delinquency hearings (RCW 48.99.030)
6 appointing a receiver and taking possession of said property under RCW
7 48.31.100, and liquidating under RCW 48.31.165 and RCW 48.31.171 "is" a
8 necessary controversy.

9 6.) Therefore, the Hearings Officer must *re-open* Case No. G08-0084 and *re-*
10 *determine* the commissioner's orders (G08-0084) as applied to this particular
11 situation and this particular 'true beneficiary' before further negating affects.

12 Sixth, under RCW 34.05.240 (3), the uncertainty of the afore-mentioned
13 adversely affects Howell, because:
14

15 1.) The commissioner's orders (G08-0084) did nothing but make certain non-
16 beneficiary third party(S) have easy access to trust assets (Liberty Mutual
17 Group, Inc.) and easy access to the common fund comprised thereof (Liberty
18 Mutual Holding Co., Inc.) (RCW 9A.60.040 and Title 9A.56 RCW).

19 2.) The commissioner's orders are contrary to statute because a trust (common
20 fund) (RCW 48.05.090, 23.90) is intended for the benefit and profit of
21 Howell, but is 'solely' serving the illicit desires of non-beneficiary third
22 party(S) through identity theft (fraud) without authority of law (RCW
23 48.31.151).

24 3.) The commissioner's orders (G08-0084) have made certain Howell does not
25 ascertain the benefits of the trust, causing Howell daily hardships (RCW
26 34.05.240 (3)).
27
28
29
30
31
32

1 4.) The commissioner's orders (G08-0084) made no effort to pay Howell the
2 account balance due and owing, or any part thereof causing daily adverse
3 affects (RCW 34.05.240 (1-3) and RCW 9A.42.010).

4 5.) The "daily" adverse affects (literally) deprives life, liberties, and property
5 (article 1 § 3 Wash. Const.).

6 6.) The commissioner's orders (G08-0084) deny just, speedy resolve (article 1 §
7 10 Wash. Const.), and therefore deny justice; *See* Magna Carta (U.S.
8 Fourteenth Amendment).

9 Accordingly, for at least the afore-mentioned reasons this
10 RECONSIDERATION and AMENDED request for a hearing should be granted
11 whereby, the Hearings Officer *re-opens* G08-0084 and *re-determines the orders*
12 based on the particular facts of this situation and this true beneficiary before the
13 commissioner's acts, failure to act, and orders cause further negating affects.
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

CERTIFICATE OF SERVICE

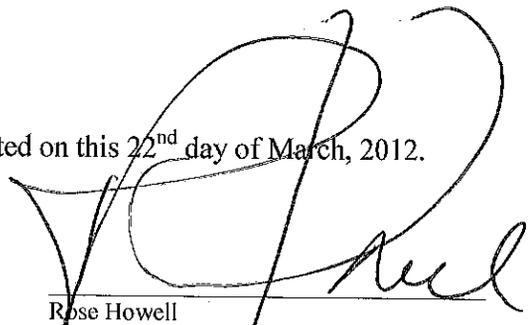
I certify that on the 22nd day of March, 2012, I caused a true and correct copy of Creditor's MOTION FOR RECONSIDERATION, to be served on the following U.S. Mail, pre-paid, and the manner indicated:

- 1) Washington State Insurance Commissioner
PO Box 40255
Tumwater, WA 98504-0255 (X) Email
Attn: Hearings Unit
- 2) Safeco Ins. Co. of Illinois, Et Al.
And
Liberty Mutual Holding Co., Inc., Et Al.
175 Berkley Street (X) Email
Boston, MA 02116
Attn: Richard Quinlan
- 3) Melvin N. Sorensen, Esq.
Carney Badley Spellman, P.S.
701 Fifth Avenue, # 3600
Seattle, WA 98104-7010
- 4) Debevoise & Plimpton LLP (X) Email
New York, New York 10022
Attn: Gregory V. Gooding, Esq.
Nicholas F. Potter, Esq.
- 5) BNY Mellon Investment Services LLC
480 Washington Blvd, 29th Floor
Jersey City, NJ 07310
Attn: Legal Dept.
- 6) Safeco Ins. Co. of Illinois
27201 Bella Vista Parkway, Ste. 130
Warrenville, IL. 60555
- 7) Safeco Ins. Co. of Illinois
2815 Forbes Ave.
Hoffman Estates, IL. 60192
- 8) Continental Casualty Company
333 South Wabash
Chicago, IL. 60604
Attn: Thomas Corcoran

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

- 9) The Hartford Financial Services Group, Inc.
One Hartford Plaza, HO-1-01
Hartford, CT. 06155
Attn: Fraud Dept. / Investor Relations
- 10) State Farm Mutual Automobile Ins. Co.
1 State Farm Plaza
Bloomington, IL. 61710-0001
Attn: Edward Rust Jr.
- 11) Liberty Mutual Ins. Co.
650 N.E. Holladay Street
Portland, OR 97232
- 12) Computer Share
Shareholder Services
250 Royal Street
Canton, MA 02021
- 13) Prudential Annuities
Client Relations
2101 Welsh Road
Dresher, PA 19025
Attn: Lisa Hayer
- 14) Warren Buffet (Courtesy Copy)
3555 Farnam Street
Suite 1440
Omaha, NE 68131

Dated on this 22nd day of March, 2012.



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