

FILED

2014 DEC -3 A 11: 48

BEFORE THE INSURANCE COMMISSIONER  
OF THE STATE OF WASHINGTON

In the Matter of

CHARLES D. OLIVER and AMERICAN EQUITY ADVISORY GROUP, LLC | **DEMAND FOR ADMINISTRATIVE HEARING**

Charles D. Oliver and American Equity Advisory Group, LLC (collectively, "Oliver") being aggrieved by the acts and failure to act of the Office of Insurance Commissioner hereby demand a hearing in accordance with the provisions of RCW 48.04, RCW Title 34. The hearing is necessary because the OIC has maintained a post on its blog (located at <http://wainsurance.blogspot.com/2013/04/cease-and-desist-order-issued-to.html>) and has refused to remove the blog, and now refused to respond, despite repeated requests from Oliver. The blog post should be removed because:

- The blog contains false statements;
- The blog is entirely based upon an Order to Cease and Desist which has been superseded by agreement of the OIC and order from the OIC Hearings Unit. The blog post contains a dead link to the superseded order;
- Maintaining the blog is an *ultra vires* action by the OIC as it does not have statutory authority, express or implied, to generate and distribute subjective content about its enforcement actions;
- The Order to Cease and Desist was false at the time it was issued and was issued without an opportunity for Oliver to respond or rebut the statements prior to its issuance;

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- The blog post is causing out-of-state individuals to cease doing business with or refrain from doing business with Oliver;
- The blog post has been picked up by out-of-state individuals who are now incorrectly relying on it to falsely disparage Oliver, which is causing business harm to Oliver; and,
- The blog is not serving any legitimate purpose for the state of Washington or its citizens, rather the blog is being used to further punish Oliver.

Oliver will be seeking injunctive relief requiring the blog post be removed from the website and damages for commercial disparagement. To the extent that this Hearings Unit does not have the authority or jurisdiction to provide this relief, Oliver will pursue its remedies in Thurston County Superior Court.

DATED this 3<sup>rd</sup> day of December, 2014.

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