

BEFORE THE STATE OF WASHINGTON
OFFICE OF THE INSURANCE COMMISSIONER

FILED

2018 APR 19 AM 11:23

HEARINGS UNIT
OFFICE OF
INSURANCE COMMISSIONER

In the Matter of:

MICHAEL MURPHY,

Applicant.

Docket No. 18-0150

NOTICE OF HEARING

TO: Michael Murphy
1035 S. McMillan Ct.
Spokane Valley, WA 99016

COPY TO: Mike Kreidler, Insurance Commissioner
James T. Odiorne, J.D., CPA, Chief Deputy Insurance Commissioner
Melanie Anderson, Deputy Commissioner, Consumer Protection Division
Jeff Baughman, Licensing & Education Manager, Consumer Protection Division
Toni Hood, Deputy Commissioner, Legal Affairs Division
Darryl Colman, Insurance Enforcement Specialist, Legal Affairs Division
Office of the Insurance Commissioner
PO Box 40255
Olympia, WA 98504-0255

This Notice is provided pursuant to RCW 48.04.010 and RCW 34.05.434.

On March 28, 2018, Cheryl Penn, Producer Licensing & Oversight Compliance Supervisor of the Office of Insurance Commissioner ("OIC") sent an e-mail to Michael Murphy ("Murphy") denying his application for a life/disability insurance producer license because she concluded he previously committed insurance unfair trade practice or fraud and demonstrated incompetence or untrustworthiness as outlined in "Findings of Fact, Conclusions of Law, and Final Order," filed February 23, 2018 in OIC Docket No. 17-0314.

On April 6, 2018, Murphy filed a Demand for Hearing asking for reconsideration of the OIC's denial of his application for and insurance producer license for the life line, since his insurance producer license was it issue previously only for the disability line. He states he is sorry for what happened with his prior license that the OIC revoked, and that he made some bad choices which have never happened before or since. He adds that he has worked very hard since that time to help pay recompense to the people of state of Washington and has shown he can be trusted to hold an insurance producer license, provided it is at a diminished level or under strict oversight.

On April 19, 2018, the undersigned held a first prehearing conference. Darryl Colman, Insurance Enforcement Specialist of the OIC's Legal Affairs Division, appeared on behalf of the OIC. Murphy appeared pro se.

After considering the views of the Parties, the undersigned enters the following Order:

By May 25, 2018, the parties must serve and file dispositive Motions. By June 8, 2018, the parties must serve and file Responses to such Motions. By June 15, 2018, the parties must serve and file Replies to such Responses. I expect to rule without oral argument as soon as possible after briefing is complete.

Assuming this matter is not resolved based upon the dispositive Motions, a hearing will be held at the Office of the Insurance Commissioner, 5000 Capitol Blvd., Tumwater, WA, beginning on Thursday, August 2, 2018, at 9:00 a.m., Pacific Standard Time. Bear in mind that *only* the undersigned has the discretion, if he determines the rights of the parties will not be prejudiced thereby, to conduct all or part of the hearing by telephone. The hearing is expected to require less than one day, but will continue until completed. The purpose of the hearing is to consider whether the OIC was correct in denying Murphy's application for an insurance producer license pursuant to RCW Chapter 48.17.

By July 26, 2018, the parties must exchange witness and exhibit lists, briefs and any other documents they wish to offer into evidence at the evidentiary hearing consistent with WAC 10-08-140, and file them with the Hearings Unit at the address below.

The hearing will be governed by the Administrative Procedure Act, RCW Chapter 34.05, and the model rules of procedure contained in WAC Chapter 10-08. All parties may be represented and may examine witnesses, respond, and present evidence and argument on all relevant issues.

A party who fails to attend or participate in the hearing or another stage of this proceeding may be held in default in accordance with Chapter 34.05 RCW. See RCW 34.05.434(2)(i); RCW 34.05.440(2); WAC 10-08-200(13).

William Pardee, Presiding Officer, has been designated by the Insurance Commissioner to hear and determine this matter. The hearing will be held under the authority granted by the Insurance Commissioner per RCW Chapter 48.04.

Pursuant to WAC 284-02-070(1)(c), accommodation will be made for persons needing assistance due to difficulty with language or disability. Further, pursuant to WAC 10-08-040(2) and in accordance with RCW Chapter 2.42, 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, except as may be provided by RCW Chapter 2.42. A Request for Accommodation form, with instructions, is attached to this Notice.

All case related documents and correspondence shall be directed to the Hearings Unit, Office of Insurance Commissioner, P.O. Box 40255, Olympia, Washington 98504-0255; HearingsU@oic.wa.gov. All interested individuals and entities who have questions or concerns concerning this proceeding should direct them to the Hearings Unit paralegal, Dorothy Seabourne-Taylor, at the same address. Ms. Seabourne-Taylor's telephone number is (360) 725-7002.

Dated: April 19, 2018



WILLIAM PARDEE
Presiding Officer

CERTIFICATE OF SERVICE

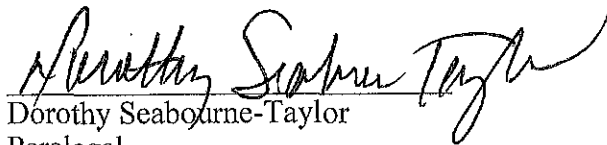
The undersigned certifies under the penalty of perjury under the laws of the state of Washington that I am now and at all times herein mentioned, a citizen of the United States, a resident of the state of Washington, over the age of eighteen years, not a party to or interested in the above-entitled action, and competent to be a witness herein.

On the date given below I caused to be filed and served the foregoing Notice of Hearing on the following people at their addresses listed below:

Michael Murphy
1035 S. McMillan Ct.
Spokane Valley, WA 99016

Mike Kreidler, Insurance Commissioner
James T. Odiorne, J.D., CPA, Chief Deputy Insurance Commissioner
Melanie Anderson, Deputy Commissioner, Consumer Protection Division
Jeff Baughman, Licensing & Education Manager, Consumer Protection Division
Toni Hood, Deputy Commissioner, Legal Affairs Division
Darryl Colman, Insurance Enforcement Specialist, Legal Affairs Division
Office of the Insurance Commissioner
PO Box 40255
Olympia, WA 98504-0255

Dated this 19th day April 2018, in Tumwater, Washington.



Dorothy Seabourne-Taylor
Paralegal
Hearings Unit

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

To request an interpreter, complete and send this form to:

Hearings Unit
Office of Insurance Commissioner
P.O. Box 40255
Olympia, WA 98504-0255
HearingsU@oic.wa.gov

REQUEST FOR ACCOMMODATION FOR LANGUAGE OR DISABILITY

I am a party in Matter No.18-0150 before the Insurance Commissioner.

I request accommodation for the following disability (insert your disability):

I request an interpreter for myself or a witness who will be testifying at the evidentiary hearing.

Please check the statements that apply:

I am a non-English-speaking person and 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 accommodation for your disability, an interpreter or in providing appropriate mechanical or electronic amplification, viewing, or communication equipment.]

Date: _____

Signed: _____

Please print or type your name: _____

Address: _____

Telephone: _____