

**From:** [Eisentrou, Julia \(OIC\)](#)  
**To:** [Carter, Rebekah \(OIC\)](#); [sfreeman@freemanlawfirm.org](mailto:sfreeman@freemanlawfirm.org)  
**Cc:** [Pace, Josh \(OIC\)](#); [OIC Hearings Unit](#); [Pasarow, Sofia \(OIC\)](#); [Tribe, Christine \(OIC\)](#)  
**Subject:** RE: Request for Hearing - Order No. 20-0257  
**Date:** Wednesday, April 1, 2020 9:23:44 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)

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Good morning,

I received the request to transfer to OAH. As appellant is not a licensee, there is no statutory right to request a hearing before an ALJ. See 48.04.010(5)

As for the objection due to the appearance of fairness because the hearing is before the Office of the Insurance Commissioner, it is overruled. This is based upon the reasoning outlined in *Hardee v. Dep't of Soc. & Health Servs.*, 152 Wn. App. 48, 57, 215 P.3d 214, 219 (2009) ("There is no support for the proposition that the fact that the review judge is employed by the Department, without more, means that the review judge is biased...") and *Faghih v. Dep't of Health, Dental Quality Assurance Comm'n*, 148 Wn. App. 836, 843, 202 P.3d 962, 966 (2009) ("The presumption is that public officers will properly and legally perform their duties until the contrary is shown. A party claiming an appearance of fairness violation is required to present specific evidence of a violation, not speculation.")

The hearing will proceed at the Office of the Insurance Commissioner.

Kind regards,



**Julia Eisentrou**

Presiding Officer  
Washington State Office of the Insurance Commissioner  
(360) 725-7002  
[JuliaE@oic.wa.gov](mailto:JuliaE@oic.wa.gov)

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**From:** Carter, Rebekah (OIC)  
**Sent:** Wednesday, April 1, 2020 6:25 AM  
**To:** [sfreeman@freemanlawfirm.org](mailto:sfreeman@freemanlawfirm.org)  
**Cc:** Pace, Josh (OIC) <[JoshuaP@oic.wa.gov](mailto:JoshuaP@oic.wa.gov)>; OIC Hearings Unit <[HearingsU@oic.wa.gov](mailto:HearingsU@oic.wa.gov)>; Pasarow, Sofia (OIC) <[SofiaP@oic.wa.gov](mailto:SofiaP@oic.wa.gov)>; Eisentrou, Julia (OIC) <[JuliaE@oic.wa.gov](mailto:JuliaE@oic.wa.gov)>; Tribe, Christine (OIC) <[ChrisT@OIC.WA.GOV](mailto:ChrisT@OIC.WA.GOV)>  
**Subject:** RE: Request for Hearing - Order No. 20-0257

Good morning,

I have forwarded your request for this matter to be transferred to the Office of Administrative Hearings to our Presiding Officer. Per the email I just sent, please complete and return the Demand for Hearing form as soon as possible (located at: <https://www.insurance.wa.gov/how-file-demand-hearing>) to [hearingsu@oic.wa.gov](mailto:hearingsu@oic.wa.gov).

Thank you,



## Rebekah Carter

*Pronouns: She/Her*  
*Paralegal, Hearings Unit*  
*Washington State Office of the Insurance Commissioner*  
(360) 725-7002 (office) | (360) 664-2782  
[RebekahC@oic.wa.gov](mailto:RebekahC@oic.wa.gov)

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**From:** [sfreeman@freemanlawfirm.org](mailto:sfreeman@freemanlawfirm.org) [<mailto:sfreeman@freemanlawfirm.org>]

**Sent:** Tuesday, March 31, 2020 4:05 PM

**To:** Pasarow, Sofia (OIC) <[SofiaP@oic.wa.gov](mailto:SofiaP@oic.wa.gov)>; Carter, Rebekah (OIC) <[RebekahC@oic.wa.gov](mailto:RebekahC@oic.wa.gov)>; OIC Hearings Unit <[HearingsU@oic.wa.gov](mailto:HearingsU@oic.wa.gov)>

**Cc:** [sierra@freemanlawfirm.org](mailto:sierra@freemanlawfirm.org); Tribe, Christine (OIC) <[ChrisT@OIC.WA.GOV](mailto:ChrisT@OIC.WA.GOV)>

**Subject:** RE: Request for Hearing - Order No. 20-0257

Ms. Pasarow,

While I appreciate your analysis, such fails to afford citizens in the State of Washington proper due process under the Constitution. There should be at least the appearance of fairness here, to allow for review of OIC action by a neutral judicial body outside of the OIC. If OIC fails to include OAH for appointment of an ALJ, there is little here I may be able to do about that. (Though I do not concede that here.) However, constitutional violations in the administrative process will be grounds of appeal to the Superior Court.

Regards,

Spencer

Spencer D. Freeman  
Freeman Law Firm, Inc.  
1107 1/2 Tacoma Avenue South  
Tacoma, Washington 98402  
253-383-4500  
253-383-4501 (facsimile)

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**From:** Pasarow, Sofia (OIC) <[SofiaP@oic.wa.gov](mailto:SofiaP@oic.wa.gov)>

**Sent:** Tuesday, March 31, 2020 3:50 PM

**To:** [sfreeman@freemanlawfirm.org](mailto:sfreeman@freemanlawfirm.org); Carter, Rebekah (OIC) <[RebekahC@oic.wa.gov](mailto:RebekahC@oic.wa.gov)>; OIC Hearings Unit <[HearingsU@oic.wa.gov](mailto:HearingsU@oic.wa.gov)>

**Cc:** [sierra@freemanlawfirm.org](mailto:sierra@freemanlawfirm.org); Tribe, Christine (OIC) <[ChrisT@OIC.WA.GOV](mailto:ChrisT@OIC.WA.GOV)>

**Subject:** RE: Request for Hearing - Order No. 20-0257

Mr. Freeman,

I am in receipt of the Demand for Hearing Presided Over By Administrative Law Judge, RCW 48.04.010(1)(b) and (5). I have

cc'd the OIC Hearings Unit.

OIC objects to ACLDN's request that the hearing be presided by an administrative law judge ("ALJ") under Chapter 34.12 RCW.

ACLDN is not entitled to a hearing at the Officer of Administrative Hearings. Pursuant to RCW 48.04.010(5), "**A licensee under this title** may request that a hearing authorized under this section be presided over by an administrative law judge assigned under chapter **34.12** RCW" (emphasis added).

ACLDN is not a licensee under Title 48 RCW. Therefore, it has no right to review by an ALJ or to rely on this provision. OIC's position is the case shall be heard by the Presiding Officer as with any other unauthorized insurance cases.

Sincerely,



**Sofia Pasarow**

*Insurance Enforcement Specialist*

*Legal Affairs Division*

*Washington State Office of the Insurance Commissioner*

360-725-7181 (office)

[SofiaP@oic.wa.gov](mailto:SofiaP@oic.wa.gov)

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**From:** [sfreeman@freemanlawfirm.org](mailto:sfreeman@freemanlawfirm.org) [<mailto:sfreeman@freemanlawfirm.org>]

**Sent:** Tuesday, March 31, 2020 2:33 PM

**To:** Krech, Dawn (OIC) <[DawnK@oic.wa.gov](mailto:DawnK@oic.wa.gov)>; Pasarow, Sofia (OIC) <[SofiaP@oic.wa.gov](mailto:SofiaP@oic.wa.gov)>; Carter, Rebekah (OIC) <[RebekahC@oic.wa.gov](mailto:RebekahC@oic.wa.gov)>

**Cc:** [sierra@freemanlawfirm.org](mailto:sierra@freemanlawfirm.org); Tribe, Christine (OIC) <[ChrisT@OIC.WA.GOV](mailto:ChrisT@OIC.WA.GOV)>

**Subject:** RE: Request for Hearing - Order No. 20-0257

Thank you!

Spencer D. Freeman  
Freeman Law Firm, Inc.  
1107 1/2 Tacoma Avenue South  
Tacoma, Washington 98402  
253-383-4500  
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**From:** Krech, Dawn (OIC) <[DawnK@oic.wa.gov](mailto:DawnK@oic.wa.gov)>

**Sent:** Tuesday, March 31, 2020 2:31 PM

**To:** [sfreeman@freemanlawfirm.org](mailto:sfreeman@freemanlawfirm.org); Pasarow, Sofia (OIC) <[SofiaP@oic.wa.gov](mailto:SofiaP@oic.wa.gov)>; Carter, Rebekah (OIC) <[RebekahC@oic.wa.gov](mailto:RebekahC@oic.wa.gov)>

**Cc:** [sierra@freemanlawfirm.org](mailto:sierra@freemanlawfirm.org); Tribe, Christine (OIC) <[ChrisT@OIC.WA.GOV](mailto:ChrisT@OIC.WA.GOV)>

**Subject:** RE: Request for Hearing - Order No. 20-0257

Good afternoon, all~

Please be advised that the paralegal on this case with Ms. Pasarow is Christine Tribe. I have cc'd her on this email so you have her contact information.

Thank you,



**Dawn Krech**

*Paralegal, Legal Affairs Division  
Washington State Office of the Insurance Commissioner  
PO Box 40255  
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360.725.7047  
[DawnK@oic.wa.gov](mailto:DawnK@oic.wa.gov)*

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**From:** [sfreeman@freemanlawfirm.org](mailto:sfreeman@freemanlawfirm.org) [<mailto:sfreeman@freemanlawfirm.org>]

**Sent:** Tuesday, March 31, 2020 2:28 PM

**To:** Pasarow, Sofia (OIC) <[SofiaP@oic.wa.gov](mailto:SofiaP@oic.wa.gov)>; Carter, Rebekah (OIC) <[RebekahC@oic.wa.gov](mailto:RebekahC@oic.wa.gov)>; Krech, Dawn (OIC) <[DawnK@oic.wa.gov](mailto:DawnK@oic.wa.gov)>

**Cc:** [sierra@freemanlawfirm.org](mailto:sierra@freemanlawfirm.org)

**Subject:** Request for Hearing - Order No. 20-0257

Good Afternoon.

Please find attached a Request for Hearing regarding Order No. 20-0257, on behalf of Armed Citizens' Legal Defense Network, Inc.

Pursuant to WAC 284-02-070(1)(b)(ii), this email provides the requisite delivery of the Request for Hearing. In addition, the original is being placed in the U.S. Mail.

Please confirm receipt. In addition, please address all further correspondence and pleadings to this office.

Regards,

Spencer

Spencer D. Freeman  
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Tacoma, Washington 98402  
253-383-4500  
253-383-4501 (facsimile)

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