

STATE OF WASHINGTON

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MIKE KREIDLER
STATE INSURANCE COMMISSIONER



FILED

OFFICE OF
INSURANCE COMMISSIONER

JAN 30, 2014

HEARINGS UNIT
Fax: (360) 664-2782

Hearings Unit, OIC
Patricia D. Petersen
Chief Hearing Officer

Patricia D. Petersen
Chief Presiding Officer
(360) 725-7105

Kelly A. Cahill
Paralegal
(360) 725-7002
KellyC@oic.wa.gov

BEFORE THE STATE OF WASHINGTON
OFFICE OF INSURANCE COMMISSIONER

In the Matter of)

Docket No. 13-0108; 13-0110

CHARLES D. OLIVER, AMERICAN)
EQUITY ADVISORY GROUP, LLC,)
and "THE CHUCK OLIVER TEAM,")

NOTICE OF HEARING

Respondents.)

In the Matter of)

STEVEN H. MINNICH,)

Respondent.)

TO: Jerry Kindinger, Esq.
Gulliver Swenson, Esq.
Ryan, Swanson & Cleveland, PLLC
1201 Third Avenue, Suite 3400
Seattle, WA 98101-3034
Attorney for Charles D. Oliver, et al.

Jason W. Anderson, Esq.
Carney Badley Spellman, P.S.
701 Fifth Avenue, Suite 3600
Seattle, WA 98104-7010
Attorney for Steven H. Minnich

Steven H. Minnich
True Wealth Financial
171 Pine Hill Road
Newport, WA 99156-9374



NOTICE OF HEARING

13-0108; 13-0110

Page - 2

COPY TO: Mike Kreidler, Insurance Commissioner
James T. Odiorne, J.D., CPA, Chief Deputy Insurance Commissioner
John F. Hamje, Deputy Commissioner, Consumer Protection Division
Andrea Philhower, Staff Attorney, Legal Affairs Division
AnnaLisa Gellermann, Esq. Deputy Commissioner, Legal Affairs Division
Office of the Insurance Commissioner
PO Box 40255
Olympia, WA 98504-0255

On April 4, 2013, the Washington State Insurance Commissioner ("OIC") entered an Order to Cease and Desist against Charles D. Oliver, American Equity Advisory Group, LLC, and "The Chuck Oliver Team" (collectively referred to as Respondents Oliver), effective immediately. The OIC Order is based on allegations that (1) Respondents Oliver are not licensed in the State of Washington to market, solicit, sell or deliver any insurance products, nor are they appointed by an authorized insurer to do so; (2) Respondents Oliver marketed and sold life insurance products (including an annuity) to a particular Washington resident that were unsuitable for this consumer; (3) Respondents Oliver marketed and sold the insurance products in a manner that was deceptive and misleading; (4) Respondents Oliver induced this Washington resident to cross state borders in order to sell the annuity which was not approved for sale in Washington; and (5) Respondents Oliver failed to complete the required replacement form related to the above-identified transactions.

On May 21, Respondents Oliver, by and through their attorney, Jerry Kindinger, Esq. of Ryan, Swanson & Cleveland, PLLC in Seattle, filed a Demand for Hearing. Said Demand for Hearing states that Respondents Oliver, *being aggrieved by the acts and threatened acts of the OIC's Order to Cease and Desist No. 13-0108 dated April 4, 2013 hereby demand a hearing in accordance with the provisions of Chapter 48.04 RCW and Title 34 RCW.*

On June 12, 2013, the undersigned held a first prehearing conference in this matter, which included all parties. The OIC was represented by Andrea Philhower, Esq., Staff Attorney in the OIC's Legal Affairs Division. Respondents Oliver were represented by their attorney, Jerry Kindinger, Esq. of Ryan, Swanson & Cleveland PLLC, Seattle, Washington. The undersigned reviewed procedure to be expected at hearing and answered all questions and concerns of the parties. The parties agreed that the hearing should be held commencing on December 10, 2013, and a Notice of Hearing was entered on October 21, 2013.

On October 29, 2013, the OIC filed a Notice of Request for Hearing for Imposition of Fines, No. 13-0110, against Steven H. Minnich ("Minnich"). The OIC's allegations against Minnich, a licensed Washington resident insurance producer, mirror those against Oliver related to their joint solicitation and sales of insurance products to a certain Washington consumer. Along with the Notice of Request for Hearing, the OIC filed a Motion to Consolidate Hearings, requesting that the Minnich matter be consolidated with the Oliver matter. As bases for consolidation, the OIC argued that the facts, evidence and witnesses in Minnich are the same as those in the Oliver

NOTICE OF HEARING

13-0108; 13-0110

Page - 3

matter; that travel is expected to be required for some witnesses; and that consolidation is in the interest of judicial economy, witness convenience, and efficient use of state resources. On November 12, 2013, Minnich filed a Response to OIC's Motion to Consolidate and Motion for Continuance, asserting that he did not object to consolidation but moved to continue the hearing date which had been scheduled in the Oliver matter (December 10, 2013) based upon a scheduling conflict and the need for more time to prepare for the hearing.

On December 4, 2013, the undersigned held a prehearing conference with all parties to discuss the OIC's Motion to Consolidate. Andrea Philhower, OIC Staff Attorney, represented the OIC. Minnich was represented by Michael H. Church, Esq. of Stamper Rubens, P.S. (who has since withdrawn as Minnich's counsel). Gulliver Swenson, Esq. of Ryan, Swanson & Cleveland, PLLC, represented Respondents Oliver. At the prehearing conference, it was agreed that if consolidation were granted, the Oliver and Minnich consolidated hearing would be held on March 4, 2014. After the prehearing conference, on December 10, 2013, Respondents Oliver filed their Opposition to the OIC's Motion to consolidate, and on December 16, the OIC filed its Response. The undersigned entered an oral order on December 18, 2013 granting OIC's Motion to Consolidate, which was confirmed by written Order on OIC's Motion to Consolidate entered January 17, 2013.

Accordingly, **YOU ARE HEREBY NOTIFIED that a hearing will be held commencing on Tuesday, March 4, 2014, at 10:00 a.m., Pacific Standard Time.** The purpose of this hearing, which will include all parties, is to consider whether the OIC's Order to Cease and Desist against Respondents Oliver should be upheld, set aside or modified in any way, and whether Minnich's alleged activities, set forth in the OIC's Notice of Request for Hearing, constituted violations of the Insurance Code justifying imposition of a fine against Minnich, or justify some other form of disciplinary action.

The OIC will appear by and through Andrea Philhower, Staff Attorney in the OIC's Legal Affairs Division. Ms. Philhower's address is Office of the Insurance Commissioner, Legal Affairs Division, P.O. Box 40255, Olympia, WA 98504-0255 and her telephone number is (360) 725-7063. Oliver will appear and will be represented by his attorney(s) Jerry Kindinger, Esq. and/or Gulliver A. Swenson, Esq. of Ryan, Swanson & Cleveland, PLLC. Mr. Kindinger and Mr. Swenson's business address is 1201 Third Avenue, Suite 3400, Seattle, WA 98101-3034, and their telephone number is (206) 464-4224. Minnich will appear and be represented by Jason W. Anderson of Carney Badley Spellman, P.S. Mr. Anderson's address is 701 Fifth Avenue, Suite 3600, Seattle, WA 98104-7010 and his telephone number is (206) 622-8020.

Patricia D. Petersen, Esq., who serves as Chief Presiding Officer for the Office of the Insurance Commissioner, has been designated to hear and determine this matter. Her address is Office of Insurance Commissioner, P.O. Box 40255, Olympia, Washington 98504-0255. Her telephone number is (360) 725-7105. All interested individuals and entities who have questions or concerns concerning this proceeding should direct them to her Paralegal, Kelly Cairns, at the same address, at kellyc@oic.wa.gov or by telephone to (360) 725-7002.

NOTICE OF HEARING

13-0108; 13-0110

Page - 4

The hearing will be held under the authority granted by the Insurance Commissioner under Chapter 48.04 RCW. The basic facts relied upon are those specifically set forth in the OIC's Order to Cease and Desist, the Respondents' Demand for Hearing and the OIC's Notice of Request for Hearing for Imposition of Fines.

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

As required by RCW 34.05.434(2)(i), you are advised that a party who fails to attend or participate in any stage of the proceeding may be held in default in accordance with Chapter 34.05 RCW.

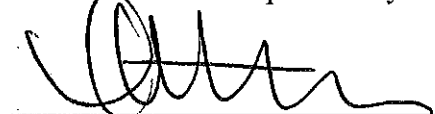
Pursuant to WAC 10-08-040(2) and in accordance with ch. 2.42 RCW, if a limited English speaking or hearing impaired or speech impaired party or witness needs an interpreter, a qualified interpreter will be appointed. There will be no cost to the party or witness therefore, except as may be provided by ch. 2.42 RCW. A Request for Interpreter form is attached to the original of this Notice, with instructions thereon.

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

Based upon the above activity,

IT IS HEREBY ORDERED that the adjudicative proceeding in this matter shall commence on March 4, 2014, at 10:00 a.m., Pacific Standard Time, continuing on each successive day until terminated, in the Office of the Insurance Commissioner, 5000 Capitol Blvd., Tumwater, WA.

ENTERED AT TUMWATER, WASHINGTON, this 30th day of January, 2014, pursuant to Title 48 RCW and specifically RCW 48.04 and Title 34 RCW and regulations applicable thereto.



PATRICIA D. PETERSEN
Chief Presiding Officer

NOTICE OF HEARING


13-0108; 13-0110

Page - 5

Declaration of Mailing

I declare under penalty of perjury under the laws of the State of Washington that on the date listed below, I mailed or caused delivery through normal office mailing custom, a true copy of this document to the following people at their addresses listed above: Jerry Kindinger, Esq., Gulliver A. Swenson, Esq., Steven H. Minnich, Mike Kreidler, James T. Odiorne, John F. Hamje, Esq., AnnaLisa Gellermann, Esq., and Andrea Philhower, Esq.

DATED this 31st day of January, 2014.



KELLY A. CAIRNS

NOTICE OF HEARING

13-0108; 13-0110

Page - 6

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Fax: (360) 664-2782

Patricia D. Petersen
Chief Presiding Officer
(360) 725-7105

Hearings Unit
Paralegal
(360) 725-7002
Hearings@oic.wa.gov

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

Chief Presiding Officer
Office of Insurance Commissioner
P.O. Box 40255
Olympia, WA 98504-0255

REQUEST FOR INTERPRETER

I am a party or witness in Matter No. 13-0108, 13-0110, before the Insurance Commissioner. I NEED AN INTERPRETER and request that one be furnished.

Please check the statements that apply to you:

I am a non-English-speaking person. I 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 interpreter or in providing appropriate mechanical or electronic amplification, viewing, or communication equipment.]

Date: _____

Signed: _____

Please print or type your name: _____

Address: _____

Telephone: _____