

FILED

BEFORE THE STATE OF WASHINGTON
OFFICE OF INSURANCE COMMISSIONER 2014 JUN 24 A 9:17

In the Matter of)
)
PAUL D. GENEST,)
)
Applicant.)
_____)

Docket No. 14-0102

NOTICE OF HEARING

TO: Paul D. Genest
23665 Old Day Creek Road
Sedro Woolley, WA 98284

Brian F. Kreger, Esq.
Kreger Beeghly, PLLC
999 Third Avenue, Suite 3000
Seattle, WA 98104-4088

COPY TO: Mike Kreidler, Insurance Commissioner
James T. Odiorne, J.D., CPA, Chief Deputy Insurance Commissioner
John F. Hamje, Deputy Commissioner, Consumer Protection Division
Jeff Baughman, Licensing Manager, Consumer Protection Division
Marcia Stickler, Staff Attorney, Legal Affairs Division
AnnaLisa Gellermann, Deputy Commissioner, 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 25, 2014, the Office of the Insurance Commissioner ("OIC") sent a letter by electronic mail to Paul D. Genest informing him that his application for a Washington resident insurance producer's license had been denied, based on OIC Order No. 13-0313, dated November 19, 2013, which revoked Mr. Genest's insurance producer's license effective December 12, 2013 ("Denial Letter").

NOTICE OF HEARING

14-0102

Page - 2

On May 8, 2014 Mr. Genest, through his attorney Brian F. Kreger, submitted a Demand for Hearing ("Demand"). The Demand asserted: The OIC did not present proof of the allegations contained in its Order revoking license; Mr. Genest's attempts to explain certain factual matters to representatives of the OIC were ignored; Mr. Genest was unrepresented and unaware of his rights under Washington law and he therefore did not timely file a request for hearing to contest the OIC Order. In reliance on information provided by OIC representatives, Mr. Genest enrolled in producer pre-licensing education courses as a requisite for applying for a producer license, passed all pre-licensing education courses, and submitted all necessary fees and documents to the OIC, consistent with OIC's advice. However, the OIC then reversed such advice and told Mr. Genest that it would not accept his application for a new producer license, but that he instead must submit a request for reinstatement of his former producer license. After Mr. Genest submitted such request for reinstatement, the OIC informed him on March 25, 2014, that his application for a producer license was denied. Mr. Genest relied in good faith, to his detriment, on the advice and instruction of OIC representatives regarding the measures required to seek either a new producer license or a reinstatement of his former producer license and now seeks relief.

On June 23, 2014, the undersigned held a first prehearing conference. The OIC was represented by Marcia Stickler, Esq., Staff Attorney in the OIC's Legal Affairs Division. Mr. Genest was represented by Brian F. Kreger, Esq. After considering the views of the parties as to hearing dates and procedures:

By June 27, 2014, the OIC shall serve and file its Motion in Limine regarding the finality of prior OIC actions. By July 3, 2014, Mr. Genest shall serve and file his Response to such Motion. By July 11, 2014, the OIC shall serve and file its Reply to such Response. I expect to rule without oral argument as soon as possible after briefing is complete.

YOU ARE HEREBY NOTIFIED that a hearing will be held at the Office of the Insurance Commissioner, 5000 Capitol Blvd., Tumwater, WA, beginning on September 3, 2014, at 10:00 AM, Pacific Daylight Time. The hearing is expected to conclude by September 4, 2014, but will continue until terminated. The purpose of the hearing is to consider whether OIC's denial of Mr. Genest's application for a Washington resident insurance producer's license pursuant to the Denial Letter should be upheld and to consider the assertions and arguments in Mr. Genest's Demand.

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 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).

NOTICE OF HEARING

14-0102

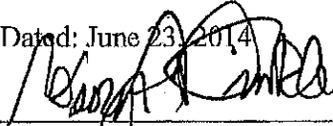
Page - 3

Judge George Finkle (ret.), 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 under Chapter 48.04 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, with instructions, is attached to the original of 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. All interested individuals and entities who have questions or concerns concerning this proceeding should direct them to the Hearings Unit paralegal, Kelly Cairns, at the same address. Ms. Cairns' telephone number is (360) 725-7002.

Dated: June 23, 2014



JUDGE GEORGE FINKLE (Ret.)
Presiding Officer

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: Paul D. Genest, Brian F. Kroger, Esq., Mike Kreidler, James T. Odiome, J.D., CPA, John F. Hamje, Esq., Jeff Baughman, Marcia Stickler, Esq., and AnnaLisa Gellermann, Esq.,

DATED this 24th day of June, 2014.



KELLY A. CAIRNS

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

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

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

REQUEST FOR INTERPRETER

I am a party or witness in Matter No. 14-0102 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: _____