

BEFORE THE STATE OF WASHINGTON
OFFICE OF THE INSURANCE COMMISSIONER

FILED

2018 JAN 17 A 11:30

In the Matter of:

ELLA HIPES dba MEASURED WEALTH,

Respondent.

Docket No. 17-0052

HEARINGS UNIT
OFFICE OF
INSURANCE COMMISSIONER

NOTICE OF HEARING

TO: Ella Hipes
7431 Hickory Lane
Hanover, MD 21076

COPY TO: Mike Kreidler, Insurance Commissioner
James T. Odiorne, J.D., CPA, Chief Deputy Insurance Commissioner
Melanie Anderson, Deputy Commissioner, Consumer Protection Division
Toni Hood, Deputy Commissioner, Legal Affairs Division
Dave Jorgensen, 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 October 23, 2017, Dave Jorgensen, Insurance Enforcement Specialist of the Office of Insurance Commissioner ("OIC") sent a Notice of Intent to Impose Fine and Notice of Opportunity for Hearing ("Notice") to Ella Hipes dba Measured Wealth ("Respondent"). The Notice alleges that Respondent is not licensed in the state of Washington nor is her dba licensed or registered in Washington State. The Notice further alleges Respondent offered financial seminars directed at selling insurance products to seniors and solicited and sold four annuities to two different consumers in violation of RCW 48.17.060, justifying the assessment of a civil penalty of not more than \$25,000 for each violation in accordance with RCW 48.17.063(4)(a)(iii).

In a letter dated December 13, 2017, Respondent filed a Demand for Hearing regarding the allegations raised in the Notice.

On January 17, 2018, the undersigned held a first prehearing conference. Dave Jorgensen, Insurance Enforcement Specialist of the OIC's Legal Affairs Division, appeared on behalf of the OIC. Respondent appeared pro se.

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

By close of business February 28, 2018, the parties shall serve and file dispositive Motions. By close of business March 14, 2018, the parties shall serve and file Responses to such Motions. By close of business March 21, 2018, the parties shall 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 is scheduled for two (2) days to be held at the Office of the Insurance Commissioner, 5000 Capitol Blvd., Tumwater, WA, beginning on Thursday, April 26, 2018, at 9:00 a.m., Pacific Standard Time, and continuing on Friday, April 27, 2018, at 9:00 a.m. The hearing is expected to continue until completed. The purpose of the hearing is to consider whether Respondent violated RCW 48.17.060 by soliciting and selling annuities without being licensed or registered in Washington state, and whether such violations justify the assessment of a civil penalty of not more than \$25,000 for each violation in accordance with RCW 48.17.063(4)(a)(iii).

By close of business April 19, 2018, the parties shall exchange witness and exhibit lists, hearing briefs, and any documents/exhibits they expect 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).

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: January 17, 2018



WILLIAM PARDEE
Presiding Officer

CERTIFICATE OF SERVICE

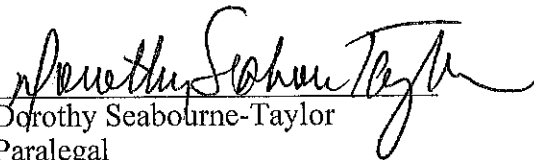
The undersigned certifies under the penalty of perjury under the laws of the state of Washington that I am now and at all times herein mentioned, a citizen of the United States, a resident of the state of Washington, over the age of eighteen years, not a party to or interested in the above-entitled action,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

Ella Hipes
7431 Hickory Lane
Hanover, MD 21076

Mike Kreidler, Insurance Commissioner
James T. Odiorne, J.D., CPA, Chief Deputy Insurance Commissioner
Melanie Anderson, Deputy Commissioner, Consumer Protection Division
Toni Hood, Deputy Commissioner, Legal Affairs Division
Dave Jorgensen, Insurance Enforcement Specialist, Legal Affairs Division
Office of the Insurance Commissioner
PO Box 40255
Olympia, WA 98504-0255

Dated this 17th day January, 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. 17-0052 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: _____