MIKE KREIDLER
STATE INSURANCE COMMISSIONER

STATE OF WASHINGTON

4321 02/11/03 $425.00

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OFFICE OF
INSURANCE COMMISSIONER

**BEFORE THE INSURANCE COMMISSIONER
OF THE STATE OF WASHINGTON**

In the matter of	)	
	)	No. D 2003- 17
Earthjustice	)	
	)	STIPULATIONS, FINDINGS,
	)	
Oakland, CA	)	CONSENT AND ORDER
	)	
	)	

Earthjustice is a charitable organization and has been issuing charitable gift annuities in the State of Washington, and is therefore governed by Title 48 RCW.

This administrative action is based on allegations by the Commissioner's staff that Earthjustice violated RCW 48.05.030 and Chapter 48.38 RCW, by the activity described in the following numbered paragraphs. To resolve only the issues identified in the following numbered paragraphs, to eliminate the necessity for a hearing, and as a negotiated settlement of the Commissioner's allegations, Earthjustice has voluntarily executed the Consent to Order contained herein and stipulates to the entry of the Order contained herein.

STIPULATIONS

1. RCW 48.05.030 provides that no person shall act as an insurer nor transact insurance in this state other than as authorized by a certificate of authority issued to it by the Commissioner.

2. RCW 48.11.020 defines life insurance as including the granting of annuities.

3. Chapter 48.38 RCW provides that certain charitable organizations upon complying with the provisions of the Chapter may, after receiving a certificate of exemption from the Commissioner, conduct a charitable gift annuity business and be exempted from most of the provisions of Title 48 RCW.

4. Beginning in August of 1992 Earthjustice has issued 10 annuities without having been properly licensed to do so.

FINDINGS

1. The Commissioner finds that Earthjustice by and through the conduct described above, has violated RCW 48.05.030 and Chapter 48.38 RCW.

2. The Commissioner further finds that RCW 48..01.080 authorizes a fine of not less than ten dollars nor more than $1,000, or by imprisonment for not more than one year, or both a fine and imprisonment for violations of Title 48 RCW.

CONSENT TO ORDER

Based on the above and foregoing stipulations, Earthjustice consents to pay the sum of $275 being the $25 annual fee for the 11 years it would have had to pay the fee if it had been properly licensed, the sum of $50 being the $5 fee for each annuity that it issued if it had been properly licensed, and a fine in the amount One Hundred Dollars and 00/100 ($100), for a total amount of $425.

Based on the above and foregoing stipulations, Earthjustice voluntarily consents to the following order to resolve the issues and alleged conduct described herein and with the understanding that the payment of the amount levied against Earthjustice is a condition of the issuance of a Certificate of Exemption to Earthjustice for the conduct described herein.

Based on the above and foregoing stipulations, Earthjustice acknowledges its duty and obligation to fully comply with the applicable laws and regulations of the State of Washington.

Signed this 3rd day of February 2003.

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by: Bruce M. Neighbor
Title: V.P. FINANCE & ADMIN.

ORDER

IT IS ORDERED that pursuant to RCW 48.38.050 and the foregoing Stipulations, Findings, and Consent to Order, Earthjustice pay a total sum in the amount of Four Hundred Twenty Five Dollars and 00/100 ($425) for the activity described in the foregoing Stipulation.

IT IS FURTHER ORDERED that in the event that this sum is not paid within 30 days from the date of this order, the sum will be recoverable in a civil action brought on behalf of the Insurance Commissioner by the Attorney General, pursuant to RCW 48.05.185.

SIGNED AND ENTERED THIS 24th day of February 2003.

James T. Odiorne
Deputy Insurance Commissioner