MIKE KREIDLER
STATE INSURANCE COMMISSIONER

DECLARATION
I declare under p...
under the laws of the State ...
Washington that on the date ...
below, I mailed or caused ...
of a true copy of this document to

DATED this 3rd day of May
at Tumwater, Washington.

Signed: Wendy Galloway

STATE OF WASHINGTON

OFFICE OF
INSURANCE COMMISSIONER

FILED

2005 MAY -3 A 11:40

HEARINGS UNIT
Fax: (360) 664-2782

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

Wendy Galloway
Administrative Assistant
(360) 725-7002
wendyg@oic.wa.gov

In the Matter of:	)	
	)	**No. D05-15**
CAMERON M. WENDT,	)	
	)	**FINDINGS OF FACTS,**
	)	**CONCLUSIONS OF LAW**
Licensee.	)	**AND DEFAULT ORDER ON HEARING**
	)	

TO: Cameron M. Wendt
4009 N.E. 118th Street
Vancouver, Washington 98686

AND TO: Mike Kreidler, Insurance Commissioner
Michael G. Watson, Chief Deputy Insurance Commissioner
John Hamje, Deputy Commissioner, Consumer Protection
Mary Cotter, Staff Attorney, Legal Affairs
Carol Sureau, Deputy Commissioner, Legal Affairs
PO Box 40255
Olympia, WA 98504-0255

Pursuant to RCW 34.04.090, 34.04.120, 48.04.010 and WAC 10-08-210, and after notice to all interested parties and persons, the above-entitled matter came on regularly for hearing before the Insurance Commissioner for the state of Washington on May 2, 2005, in Tumwater, Washington. All persons to be affected by the above-entitled matter were given the right to be present at such hearing during the giving of testimony, and had reasonable opportunity to inspect all documentary evidence. The Insurance Commissioner (OIC) was represented by Mary Cotter, OIC Staff Attorney. Cameron M. Wendt (Licensee) represented himself from the inception of this proceeding when he filed his Demand for Hearing through the prehearing conference herein and currently. He failed to appear at the hearing, however, as detailed below.

NATURE OF PROCEEDING

The purpose of the hearing was to take testimony and evidence and hear argument as to whether the OIC's Order Revoking License, No. D05-15, entered by the OIC on March 15, 2005 should be confirmed, set aside or modified. Said Order Revoking License revokes the insurance agent's license of the Licensee based upon facts alleged therein. The Licensee this hearing, by letter received March 14, 2005 and filed March 15, 2005, to contest this Order Revoking License.

FINDINGS OF FACTS

Having considered the evidence and arguments presented at the hearing, and the documents on file herein, the undersigned presiding officer designated to hear and determine this matter finds as follows:

1. The hearing was duly and properly convened and all substantive and procedural requirements under the laws of the state of Washington have been satisfied.

2. On March 15, 2005, the OIC entered an Order Revoking License, No. D05-15, revoking the insurance agent's license of the Licensee. On March 15, 2005, the Licensee filed his Demand for Hearing to contest the subject Order Revoking License. Accordingly, on March 21, 2005, the undersigned mailed a Notice of Receipt of Demand for Hearing, which detailed the hearing procedures to be followed and scheduled the first prehearing conference.

3. On March 23, 2005, the first prehearing conference was held which included all parties. The OIC was represented by Mary Cotter, OIC Staff Attorney and the Licensee represented himself. During this first prehearing conference, hearing procedures were discussed, the Licensee was advised that the Order Revoking Licensee was not automatically stayed pursuant to RCW 48.04.020 due to the lateness of filing his Demand for Hearing, and the parties agreed that the hearing should commence on May 2, 2005. Pursuant thereto, a Notice of Hearing was entered by the undersigned on March 30, 2005 and served on all parties. In the Notice of Hearing, the parties were advised as follows:

> *As required by RCW 34.05.434(2)(I), you are advised that a party who fails to attend or participate in the hearing or other stage of the adjudicative proceeding may be held in default in accordance with ch. 34.05 RCW.*

4. Subsequently, the Licensee apparently indicated to the OIC that he was considering withdrawing his Demand for Hearing. By letter dated April 22, 2005 [Ex. 1], the OIC confirmed with the Licensee that he had stated that he had a new job, was no longer in need of an insurance license, and therefore did not intend to further contest the subject Order Revoking License. The

OIC advised, in that letter, that if this was the case then he must send a written notice of withdrawal to the undersigned and relinquish his insurance agent's license.

5. Because no further communication has been received from the Licensee by the undersigned, on April 29, 2005, Wendy Galloway, administrative assistant to the undersigned, left a telephonic message on the Licensee's telephone that he should fax the requested letter. On that same day, Ms. Galloway spoke to the Licensee, who advised that he was very busy and would try to fax such a letter to her, whereupon she advised him that it was necessary to fax or otherwise submit the letter of withdrawal prior to 10:00 a.m. on May 2, 2005, the date and time for the hearing, or else the hearing would proceed without him. She verified that the Licensee did have the correct fax number through which to send his letter and asked the Licensee to telephone her when he faxed the letter so that she would wait for it. No further communication was received from the Licensee.

6. Prior to 10:00 a.m. on May 2, 2005, Ms. Galloway again left a telephonic message on the Licensee's telephone advising him of the hearing and the consequences of failing to participate, specifically, that the hearing would take place without him and that specific facts would be found based upon the evidence presented in the hearing.

7. At 10:20 a.m. on May 2, 2005, the hearing commenced, as no communication of any kind had been received from the Licensee by either the OIC or the undersigned.

8. On September 8, 2003, the OIC received an application for a nonresident agent's license, dated March 11, 2003, from the Licensee. [Testimony of Georgia Cooper; Ex. 2.] Question No. 11 of that application asks *Have you ever been convicted of a **felony**?* In response, the Licensee checked the box entitled *No.* In fact, after the OIC submitted, as is its routine, the Licensee's fingerprints in connection with his application, the OIC received criminal reports from the Washington State Patrol and the Federal Bureau of Investigation. [Testimony of Georgia Cooper; Exs. 3 and 4.] In those reports, the OIC discovered that on May 24, 1999 the Licensee had been convicted of forgery and of bail jumping, both Class "C" felonies, and the Licensee was sentenced to 60 days in jail, two years of probation and a $500 fine.

9. On February 17, 2004, March 16, 2004 and April 19, 2004, Cheryl Penn, Investigator with the OIC, sent the Licensee letters, bearing the same dates, asking that Licensee to provide the OIC with a written statement regarding his false statement on the subject nonresident insurance agent's application and all court records regarding his criminal convictions. The Licensee faxed a written response dated April 6, 2004, but received by the OIC on May 6, 2004, which Ms. Penn did not determine to be entirely responsive. [Testimony of Cheryl Penn; Ex. 6.]

10. On May 11, 2004, Ms. Penn sent the Licensee a letter, bearing the same date, informing him of the requirements of 18 U.S.C. §1933 and advising him to obtain a "Letter of Written Consent" from the Oregon Division of Insurance, as his resident insurance agent's license was issued by the Oregon Division of Insurance. In her letter, Ms. Penn gave the Licensee until June

23, 2004 to provide the Letter of Written Consent. Second and third requests were mailed to the Licensee on June 28, 2004 and July 26, 2004, bearing the same dates.

11. On July 30, 2004, telephone contact was made with the Licensee. Ms. Penn verbally informed him of the requirement to provide a Letter of Written Consent, and he was given an extended deadline of September 10, 2004, and was subsequently given two additional extended deadlines until October 25, 2004 and November 29, 2004. The Licensee never did provide the OIC with the required Letter of Written Consent from the Oregon Division of Insurance as required. [Testimony of Cheryl Penn; Ex. 6.]

12. On November 9, 2004, the Licensee telephoned Ms. Penn and reported that he was no longer a resident of Oregon because he had moved to Vancouver, Washington. On that date, instructions were mailed to the Licensee informing him that he would need to request a Letter of Written Consent from the Washington Insurance Commissioner's Office. The Licensee was given until December 14, 2004 to provide the required information. [Testimony of Cheryl Penn.]

13. On December 17, 2004, Ms. Penn placed a telephone call to the Licensee and reached him. When she advised that the OIC had not received the required request for Letter of Written Consent as had been described several times in her letters to him, the Licensee advised Ms. Penn that he was "working on it." Ms. Penn gave the Licensee until January 3, 2005 to comply with the OIC's requirement or subject his license to revocation. The Licensee never did submit any request for Letter of Written Consent to the OIC as required. [Testimony of Cheryl Penn.]

14. Although, as above, on November 9, 2004, the Licensee advised the OIC that he had moved to Vancouver, Washington, as of this date the Licensee still maintains a resident insurance agent's license in the state of Oregon as if he were still a resident of Oregon.

15. Based upon his activities found above, the Licensee has demonstrated that is, and he is here deemed to be, untrustworthy or incompetent or a source of injury and loss to the public and not qualified to be an insurance agent in the state of Washington.

16. Based upon the above Findings of Facts, the Commissioner's Order Revoking License, No. D05-15, revoking the nonresident insurance agent's license of Cameron M. Wendt, is reasonable.

CONCLUSIONS OF LAW

1. RCW 34.05.440(2) provides that, if a party fails to attend or participate in a hearing or other stage of an adjudicative proceeding, the presiding officer may serve upon all parties a default or other dispositive order, which shall include a statement of the grounds for the order. This requirement includes the responsibility to appear at the hearing and to present evidence in support of the appeal. Further, as required by RCW 34.05.434(2)(l), the Licensee was notified of

his responsibility to appear at hearing, and the consequences of not so appearing, in the Notice of Hearing herein entered by the undersigned on March 30, 2005 and properly served upon the Licensee on that date. The Licensee has failed to appear or otherwise participate in this appeal, as required by RCW 34.05.440(2), and, further, has failed to communicate in any manner since the date scheduled for hearing. Therefore, as set forth in RCW 34.05.440(2), it is proper to enter this Final Findings of Facts, Conclusions of Law and Order in this proceeding at this time.

2. In providing false information on his application for a nonresident insurance agent's license concerning his conviction for two felonies, the Licensee has violated RCW 48.17.090(3). In so doing, the Licensee has also obtained an insurance agent's license through willful misrepresentation or fraud in violation of RCW 48.17.530(c). In so doing, the Licensee has also demonstrated himself to be, and has been so deemed to be, untrustworthy or incompetent or a source of injury and loss to the public and not qualified to hold an insurance agent's license in the state of Washington, as contemplated by RCW 48.17.070. This activity has provided proper and adequate grounds for revocation of his insurance agent's license, pursuant to RCW 48.17.530(1)(a), (c), and (h).

3. The fact that the Licensee has a felony conviction, but failed to obtain a Letter of Written Consent from either the Oregon Division of Insurance or the Washington OIC is a violation of 18 U.S.C. § 1933 and thereby provided additional proper and adequate grounds for revocation, pursuant to RCW 48.17.530(1)(h).

4. In failing to respond to repeated requests made by the OIC, the Licensee has violated RCW 48.17.475.

5. Based upon the above Findings of Facts and Conclusions of Law, the Commissioner's Order Revoking License, revoking the insurance agent's license of Cameron M. Wendt is reasonable and should be upheld.

ORDER

On the basis of the foregoing Findings of Facts and Conclusions of Law, to the effect that the Licensee has violated RCW 48.17.090(3), 18 U.S.C. § 1933, RCW 48.17.475, has obtained an insurance agent's license through willful misrepresentation or fraud as contemplated by RCW 48.17.530(1)(c), and has by these violations established proper and adequate grounds for revocation of his insurance agent's license pursuant to RCW 48.17.530(1), and to the effect that by his actions the Licensee has demonstrated himself to be, and has been so deemed to be, untrustworthy or incompetent or a source of injury and loss to the public as contemplated by RCW 48.17.530(h), and to the effect that it has been found that the Insurance Commissioner's Order Revoking License entered against Cameron M. Wendt, No. D05-15, should be upheld,

IT IS HEREBY ORDERED that the Insurance Commissioner's Order Revoking License, No. D05-15, to the effect that the insurance agent's license of Cameron M. Wendt is revoked, is upheld.

If he has not already done so, the Licensee shall surrender his insurance agent's license to the Commissioner on or before close of business on May 20, 2005.

This Order is entered at Tumwater, Washington, this 3rd day of May, 2005, pursuant to RCW 34.05, WAC 10-08-210 and RCW 48.04.010.

PATRICIA D. PETERSEN
Presiding Officer

Request for Vacation of Default Order: You may request that this Order be vacated by filing a written motion to that effect within seven days of service of this Order. *See* RCW 34.05.440(3).

Further, pursuant to RCW 34.05.461(3), the parties are advised that, even if a Request for Vacation of Default Order is not filed, they may seek reconsideration of this Order by filing a Request for Reconsideration under RCW 34.05.470 with the undersigned within 10 days of the date of service (date of mailing) of this Order. Further, the parties are advised that, pursuant to RCW 34.05.514 and 34.05.542, this Order may be appealed to Superior Court by, within 30 days after date of service (date of mailing) of this Order, 1) filing a petition in the Superior Court, at the petitioner's option, for (a) Thurston County or (b) the county of the petitioner's residence or principal place of business; and 2) delivery of a copy of the petition to the Office of the Insurance Commissioner; and 3) depositing copies of the petition upon all other parties of record and the Office of the Attorney General in the United States mail. If a party chooses to file a petition in the Superior Court, he or she may, but is not required to, first file a Request for Reconsideration. For further information or to obtain copies of the applicable statutes, the parties may contact the administrative assistant to the undersigned.