

July 29, 2021

VIA ELECTRONIC SUBMISSION  
VIA EMAIL DELIVERY (mikek@oic.wa.gov)

Insurance Commissioner Kreidler  
Office of the Insurance Commissioner  
State of Washington  
5000 Capitol Blvd SE  
Olympia, WA 98501

And

Rules Coordinator  
Office of the Insurance Commissioner  
State of Washington  
5000 Capitol Blvd SE  
Olympia, WA 98501

RE: R2021-09  
Administrative Hearings [proposed] Rulemaking

Dear Commissioner Kreidler:

Please accept this letter as my submitted comment for your proposed rulemaking in R2021-09 regarding administrative hearings pursuant to RCW 34.05.325(1). I am submitting this letter in opposition to your proposed rulemaking changes to WAC 284-02-070, and ask that you consider no changes be made to this section of administrative code.

There are a number of substantive legal issues with your proposed rulemaking (proposed) changes that appear to indicate you want to limit or otherwise restrict discovery on a blanket basis in all administrative hearings in front of your delegated presiding (hearing) officer. At a minimum, these restrictions and limitations would likely limit a party's protected rights to a full and fair hearing,

that so often include orders/decisions terminating a license, issuing a fine, restricting a business practice, or otherwise terminating a party's business practice.

Please remember that under our Washington Administrative Procedure Act, any rulemaking by any agency that affects an administrative adjudicative hearing, must ("shall") afford a party the following protections and rights, that I fear your proposed changes may impede:

*The presiding officer, at appropriate stages of the proceedings, **shall** give all parties **full** opportunity to submit and respond to pleadings, motions, objections, and offers of settlement.*

RCW 34.05.437(1) (Emphasis added).

Your proposed rulemaking here is also unnecessary since the hearing officer retains the ability to police findings of discovery abuse(s) on a case-by-case basis, without this (proposed) need to restrict future discovery that could limit a party's ability to a full and fair hearing. See, RCW 34.05.446(3) and WAC 284-02-070(2)(e)(i) through (iii).

For these reasons, I urge no changes as described in your proposed rulemaking as unnecessary since the ability to police discovery abuses in a particular case already exists, and these proposed discovery limitations are overbroad, unnecessary, and likely impact a party's rights and protections to fully and fairly present their case in a hearing under Washington law.

**KREGER BEEGHLY, PLLC**

A handwritten signature in blue ink, appearing to read "Steven Beeghly", with a long horizontal flourish extending to the right.

Steven Beeghly, Esq.