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STATE OF WASHINGTON
OFFICE OF THE INSURANCE COMMISSIONER

2017 JUN 29 P 12:50

HEARINGS UNIT
OFFICE OF
INSURANCE COMMISSIONER

In the Matter of:

Docket No. 17-0102

DENT ZONE COMPANIES, INC.,

OIC'S MOTION TO CONTINUE
HEARING AND OTHER DEADLINES IN
THE EVENT OF GOVERNMENT
SHUTDOWN

Appellant.

Agency: Office of the Insurance
Commissioner

I. IDENTITY OF THE MOVING PARTY

The Office of the Insurance Commissioner ("OIC") is the moving party. This continuance has been discussed with opposing counsel, and they are not opposed to a continuance in the event of a government shutdown.

II. STATEMENT OF RELIEF SOUGHT

State government is facing the possibility of a broad shutdown of most state agencies and state programs if the legislature does not enact an operating budget before July 1, 2017. In this case, Witness and Exhibit Lists are due July 17, Trial Briefs are due July 21, and the Administrative Hearing is set for July 26-27, 2017. Because of the possibility of a government shutdown, the OIC seeks a continuance in the event of a shutdown and if the agencies have not resumed operations by July 5, 2017. If the shutdown occurs, we request that the parties set a calendar conference when the shutdown is over to reschedule any calendared events.

III. GROUNDS FOR RELIEF

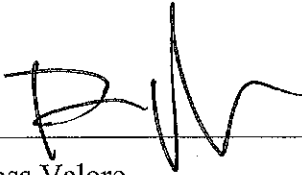
State government is facing the possibility of a shutdown of most government agencies and programs for lack of a state operating budget, unless the legislature enacts a budget before July

1 1, 2017. "Postponements, continuances, extensions of time, and adjournments may be ordered
2 by the presiding officer on his or her own motion or may be granted on timely request of any
3 party, with notice to all other parties, if the party shows good cause." WAC 10-08-090(1). The
4 ends of justice are served by continuing proceedings in this action under the circumstances.

5 A new fiscal biennium for the state of Washington begins on July 1, 2017. RCW
6 43.88.020(7). The current state operating budget expires June 30, 2017. Laws of 2011, 1st Spec.
7 Sess., ch. 50, § 1. The Washington Constitution generally prohibits state agencies from paying
8 money out of the state treasury without an appropriation. Const. art. VIII, § 4. The state budget
9 and accounting act prohibits state agencies from incurring financial obligations, including the
10 payment of compensation to state employees, without authority to do so in the form of an
11 appropriation. RCW 43.88.130. There are several exceptions to those principles, but none of
12 them apply to the work of counsel or their supporting professional staff in the without an
13 appropriation or a court order to the contrary.

14 It is important to seek the requested contingent continuance now, rather than waiting until
15 July 1, 2017, because if the new fiscal biennium begins without an operating budget the OIC will
16 lack a currently-effective appropriation to fund the legal services provided in this action. Due to
17 the ongoing uncertainty regarding the possibility of a state government shutdown, OIC
18 respectfully requests a continuance, in the event of a shutdown, of the hearing and any outstanding
19 deadlines in this matter, and that a status conference be set when the agencies resume operations
20 in order to set the new deadlines and date of hearing.

21 RESPECTFULLY SUBMITTED this 29 day of June, 2017.

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23 _____
24 Ross Valore
25 Insurance Enforcement Specialist
26 Legal Affairs Division


CERTIFICATE OF MAILING

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 OIC'S MOTION TO CONTINUE HEARING AND OTHER DEADLINES IN THE EVENT OF GOVERNMENT SHUTDOWN on the following individuals listed below in the manner shown:

<p>OIC Hearings Unit William Pardee, Presiding Officer 5000 Capitol Blvd. SE Tumwater, WA 98501</p> <p><i>By hand delivery.</i></p>	<p>James W. Aiken Aiken Law Group 2131 Second Avenue Seattle, WA 98121</p> <p>Email: jwaiken@aiken-lawgroup.com</p> <p><i>By email and by depositing in the U.S. mail via state Consolidated Mail Service with proper postage affixed.</i></p>
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Dated this 29th day of JUNE, 2017, at Tumwater, Washington.



Josh Pace
Legal Assistant
Legal Affairs Division