

1 CALIFORNIA DEPARTMENT OF INSURANCE
LEGAL DIVISION
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California Insurance Commissioner
7

8 **BEFORE THE INSURANCE COMMISSIONER**
9 **OF THE STATE OF CALIFORNIA**
10 **SACRAMENTO**
11

12 In the Matter of the Application of:

File No. LBB 3508-AP
OAH No. L-2007080947

13
14 **SEAN THOMAS PATE,**

**NOTICE OF REJECTION OF
PROPOSED DECISION**
[Cal. Gov. Code §11517(c)(2)(E)]

15
16 Respondent.

17 This matter came for hearing before Richard J. Lopez, Administrative Law Judge of the
18 Office of Administrative Hearings, in Los Angeles, California on October 24, 2007.

19 Complainant, the Insurance Commissioner of the State of California, was represented by Elaine
20 LaFrance, Senior Staff Counsel with the Department of Insurance. Respondent, Sean Thomas
21 Pate, was present and represented himself during the hearing.

22 The Administrative Law Judge submitted his proposed decision, dated November 14,
23 2007 and received by the Department on November 16, 2007, under the provisions of Section
24 11517 of the California Government Code, which Proposed Decision is hereby ordered officially
25 filed, and a copy is attached hereto.

26 The Insurance Commissioner has considered, but has rejected the Proposed Decision and
27 will decide such matters upon the record pursuant to the provisions of subdivision (c)(2)(E) of
28 Section 11517 of the California Government Code.

1 In accordance with the above-referenced provision of the California Government Code, and
2 prior to the issuance of a final decision by the Insurance Commissioner:

- 3 1. You are entitled to a copy of the record. You will be required
4 to pay the direct costs of making the copy; and,
- 5 2. You may submit written argument to the Insurance
6 Commissioner.

7 If you want a copy of the record and/or intend to submit written argument to the Insurance
8 Commissioner, please notify the Department, in writing, within 30 days of the date of this notice.

9 If you do not reply to this notice in writing within 30 days of the date set forth below, the
10 Insurance Commissioner will decide the case upon the record, and will issue his decision without
11 further notice to you.

12 The Insurance Commissioner must issue his decision in this matter not later than 100 days
13 after the date of this Notice of Rejection unless the transcript of the hearing is ordered. If the
14 transcript is ordered the decision must be issued not later than 100 days after the Insurance
15 Commissioner receives the transcript.

16 You may authorize the Insurance Commissioner to decide the case upon the record,
17 without including the transcript of the hearing. If you desire to do so, please notify the
18 Department in writing within 30 days of the date of this notice.

19 You may request that the Insurance Commissioner reconsider this Decision. The power to
20 order a reconsideration shall expire 30 days after the delivery or mailing of a decision to a
21 respondent, or on the date set by the agency itself as the effective date of the decision if that date
22 occurs prior to the expiration of the 30-day period or at the termination of a stay of not to exceed
23 30 days which the agency may grant for the purpose of filing an application for reconsideration.
24 If additional time is needed to evaluate a petition for reconsideration filed prior to the expiration
25 of any of the applicable periods, an agency may grant a stay of that expiration for no more than
26 10 days, solely for the purpose of considering the petition.

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