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**BEFORE THE INSURANCE COMMISSIONER
OF THE STATE OF CALIFORNIA**

In the Matter of the Request for Finding of
Eligibility to Seek Compensation of:

Consumer Watchdog

OPA Case No. IE-2016-0002

**FINDING OF CONSUMER WATCHDOG'S
ELIGIBILITY TO SEEK COMPENSATION**

On or about June 29, 2016, Consumer Watchdog submitted a Request for Finding of Eligibility to Seek Compensation ("Request"). The Commissioner has reviewed the Request and the Additional Information and makes the following findings and determinations:

FINDINGS

Consumer Watchdog provided a verified Request, in accordance with California Code of Regulations (CCR) §2662.2(a).

Consumer Watchdog provided a description of its previous work as an intervenor in accordance with CCR §2662.2(a)(1).

Consumer Watchdog responded to the showing required of a group intervenor, in accordance with CCR §2662.2(a)(2) (A) – 2662.2(a)(2)(G), as follows:

CR §2662.2(a)(2)(A). The current Articles of Incorporation for Consumer Watchdog are on file with the California Department of Insurance (hereinafter, CDI) and furnished another copy with the Request for Finding of Eligibility.

CCR §2662.2(a)(2)(B). Consumer Watchdog has no members.

CCR §2662.2(a)(2)(C). Consumer Watchdog listed the names of all individuals on its current Board of Directors and provided a business address at which they could all receive correspondence.

CCR §2662.2(a)(2)(D). Consumer Watchdog stated that it does not send out a paper newsletter, and that it distributes e-mail updates to a subscriber list of over 110,000 individuals and

1 organizations, and that updates to its activities can be found at
2 www.consumerwatchdog.org, thru Facebook, and Twitter and at an
annual awards dinner.

3 CCR §2662.2(a)(2)(E). Consumer Watchdog submitted a
4 summary of some of its consumer protection activities since the
last Finding of Eligibility.

5 CCR §2662.2(a)(2)(F). Consumer Watchdog submitted a letter
6 from the IRS attesting to its status as a 501(c)(3) corporation.

7 CCR §2662.2(a)(2)(G). Consumer Watchdog submitted the
8 percentages of funding received through Grants, Individual
Contributions, Attorney/Intervenor Fees, and Interest Income.
9 Consumer Watchdog declared that it does not have any individual
10 donors who meets the 5% threshold contained in the regulation
requiring disclosure. Consumer Watchdog listed individual
11 foundation grants received. Consumer Watchdog received no
Corporate, Business or Government grants.

12 LEGAL STANDARDS

13 California Insurance Code section 1861.10 states in relevant part:

14 (a) Any person may initiate or intervene in any proceeding permitted or
15 established pursuant to this chapter, challenge any action of the
16 commissioner under this article and enforce any provision of the article.

17 (b) The commissioner or a court shall award reasonable advocacy and
18 witness fees and expenses to any person who demonstrates that (1) the
19 person represents the interests of consumers, and (2) that he or she has
made a substantial contribution to the adoption of an order, regulation or
20 decision by the Commissioner or a court.

21 CCR §2662.2 sets out the procedure by which intervenors are deemed eligible to seek
22 compensation.

23 (a) A person or group representing the interests of consumers may
24 provide to the Public Advisor a request for finding of eligibility to seek
25 compensation. The request shall be verified and may be verified by the
26 intervenor's or participant's attorney and shall be submitted, at any time, in
27 conjunction with an ongoing proceeding in which the individual or
28 organization seeks to intervene. The request shall comply with sections
2652.1-2652.4 of this subchapter and shall include:

(1) a showing by the intervenor or participant that it represents the
interests of consumers, including a description of the previous work
of the intervenor or participant; and,

(2) in the case of groups representing the interests of consumers,
the request shall include the following as exhibits:

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- (A) a copy of the group's articles of incorporation, by-laws, or (for groups not organized as corporations) other organizational documents,
- (B) if the group has members, the approximate number of current members,
- (C) composition of the group's current Board of Directors - including the name and business address of each director and/or the name and business address of the principals of the group if it is not a corporation,
- (D) newsletter circulation, if any, along with a representative sample of newsletters and/or any other publications issued by the intervenor in California during the previous twelve (12) months,
- (E) any annual or year-end report for the prior year,
- (F) a statement as to whether or not the group has been granted non-profit status under Internal Revenue Code Section 501(c), and
- (G) in order to allow a determination whether the group actually does represent the interests of consumers, a listing, by general category, of the group's funding sources for the prior twenty-four (24) months and the approximate total percentage of the group's annual budget from each funding category. Each foundation, corporate, business, or government grant shall be separately listed by name of foundation, corporation, business, or government agency and amount of grant. For each individual who contributed at least five percent of the group's annual budget, the name of the individual and the total amount of the annual contribution shall be separately listed.

The Public Advisor may require additional information regarding the request at any time, but not more than twice during any one calendar year from a given Intervenor or participant.

CCR §2661.1 (j) defines representing the interests of consumers as follows:

Represents the Interests of Consumers" means that the intervenor represents the interests of individual insurance consumer[s], or the intervenor is a group organized for the purpose of consumer protection as demonstrated by, but is not limited to, a history of representing consumers in administrative, legislative or judicial proceedings.

1 A party which represents, in whole or in part, any entity regulated by the
2 Commissioner shall not be eligible for compensation. However, nothing in
3 this subsection shall be construed to prohibit any person from intervening
4 or participating if that person is not seeking compensation.

4 CCR §2662.2(b) and (c) set deadlines for CDI's review of requests for finding of
5 eligibility.

6 (b) Within 10 days of receipt of a request for finding of eligibility to
7 seek compensation, the Public Advisor shall review the request for
8 completeness. If the request includes all of the information required by
9 subdivision (a) above, it is complete. If the Public Advisor determines that
10 the request is not complete because it does not include all of the
11 information required by subdivision (a), notice stating the grounds for
12 incompleteness will be given to the person or group who submitted the
13 request within the 10 day period and the request will be rejected.

14 (c) The Commissioner shall rule on the request for a finding of
15 eligibility to seek compensation in writing not later than 15 days from the
16 receipt of a complete request.

13 DETERMINATIONS

14 Consumer Watchdog has complied with the requirements of CCR §2662.2.

15 Consumer Watchdog represents the interests of consumers, and on those
16 grounds, the Commissioner hereby finds Consumer Watchdog eligible to seek
17 compensation in Department proceedings pursuant to CIC §1861.02 *et seq.*

18 This Finding of Eligibility is effective immediately.

19 ORDER

20 Consumer Watchdog is hereby deemed eligible to seek compensation from the
21 Department of Insurance for its representation of consumers' interests and its participation in
22 Departmental proceedings pursuant to CIC §1861.10, for a period not to exceed two years from
23 the date of this order.

24 A finding of eligibility to seek compensation does not ensure compensation and
25 Consumer Watchdog must comply with all relevant provisions of the California Insurance Code
26 and the California Code of Regulations in order to submit requests and/or to receive
27 compensation in specific hearings or proceedings.


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Dated: July 14, 2016

DAVE JONES
Insurance Commissioner

By 

Edward Wu
Public Advisor
California Department of Insurance

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PROOF OF SERVICE
In the Matter of the Request for Finding of Eligibility to Seek Compensation of
CONSUMER WATCHDOG
Case No. IE-2016-0002

I am over the age of eighteen years and am not a party to the within action. I am an employee of the Department of Insurance, State of California, employed at 45 Fremont Street, 19th Floor, San Francisco, California 94105. On July 15, 2016, I served the following document(s):

**FINDING OF CONSUMER WATDOG'S ELIGIBILITY TO SEEK
COMPENSATION**

on all persons named on the attached Service List, by the method of service indicated, as follows:

If **U.S. MAIL** is indicated, by placing on this date, true copies in sealed envelopes, addressed to each person indicated, in this office's facility for collection of outgoing items to be sent by mail, pursuant to Code of Civil Procedure Section 1013. I am familiar with this office's practice of collecting and processing documents placed for mailing by U.S. Mail. Under that practice, outgoing items are deposited, in the ordinary course of business, with the U.S. Postal Service on that same day, with postage fully prepaid, in the city and county of San Francisco, California.

If **OVERNIGHT SERVICE** is indicated, by placing on this date, true copies in sealed envelopes, addressed to each person indicated, in this office's facility for collection of outgoing items for overnight delivery, pursuant to Code of Civil Procedure Section 1013. I am familiar with this office's practice of collecting and processing documents placed for overnight delivery. Under that practice, outgoing items are deposited, in the ordinary course of business, with an authorized courier or a facility regularly maintained by one of the following overnight services in the city and county of San Francisco, California: Express Mail, UPS, Federal Express, or Golden State overnight service, with an active account number shown for payment.

If **FAX SERVICE** is indicated, by facsimile transmission this date to fax number stated for the person(s) so marked.

If **PERSONAL SERVICE** is indicated, by hand delivery this date.

If **INTRA-AGENCY MAIL** is indicated, by placing this date in a place designated for collection for delivery by Department of Insurance intra-agency mail.

If **EMAIL** is indicated, by electronic mail transmission this date to the email address(es) listed.

Executed this date at San Francisco, California. I declare under penalty of perjury under the laws of the State of California that the above is true and correct.



Christine Warren

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SERVICE LIST
In the Matter of the Request for Finding of Eligibility to Seek Compensation of
CONSUMER WATCHDOG
Case No. IE-2016-0002

<u>Name/Address</u>	<u>Phone/Fax Numbers</u>	<u>Method of Service</u>
Harvey Rosenfield Pamela Pressley Jonathan Phenix CONSUMER WATCHDOG 2701 Ocean Park Blvd., Suite 112 Santa Monica, CA 90405 harvey@consumerwatchdog.org pam@consumerwatchdog.org jon@consumerwatchdog.org	Tel: (310) 392-0522 Fax: (310) 392-8874	EMAIL