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2 **BEFORE THE INSURANCE COMMISSIONER**
3 **OF THE STATE OF CALIFORNIA**
4

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

7 **ROGER HARRIS, DUANE**
8 **BROWN and BRIAN**
9 **LINDSEY,**

9 Petitioners

Office of the Public Advisor
Case No. IE-2017-0002

**FINDING OF ELIGIBILITY TO SEEK
COMPENSATION**

10 On or about May 26, 2017, Roger Harris, Duane Brown and Brian Lindsey,
11 the Plaintiffs in Harris vs. Farmers Insurance (a primary jurisdiction matter
12 referred to the California Department of Insurance by the Los Angeles Superior
13 Court, CDI matter NC-2017-00003) ("Petitioners") submitted a complete Request
14 for Finding of Eligibility to Seek Compensation ("Request") in conjunction with a
15 Petition to Participate in the primary jurisdiction referral matter referenced
16 above. The Commissioner has completed the review of the Request and hereby
17 finds that, pursuant to the provisions of California Insurance Code § 1861.10 and
18 California Code of Regulations, Title 10, § 2662.2, Petitioners are eligible to seek
19 compensation for its representation of consumers' interests in CDI proceedings.

20 This Finding of Eligibility shall remain in effect for two years from the
21 date of this Order; however, this Finding of Eligibility does not ensure
22 compensation in the proceeding(s) in which Plaintiffs participates.
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24 **1. LEGAL STANDARDS**

25 California Insurance Code section 1861.10 states in relevant part:

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

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

7 CCR §2662.2 sets out the procedure by which intervenors are deemed
8 eligible to seek compensation:

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

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

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

22 (A) a copy of the group's articles of incorporation,
23 by-laws, or (for groups not organized as
24 corporations) other organizational documents,

25 (B) if the group has members, the approximate
26 number of current members,

27 (C) composition of the group's current Board of
28 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 publication 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

1 consumers, a listing, by general category, of the
2 group's funding sources for the prior twenty-four
3 (24) months and the approximate total percentage of
4 the group's annual budget from each funding
5 category. Each foundation, corporate, business, or
6 government grant shall be separately listed by
7 name of foundation, corporation, business, or
8 government agency and amount of grant. For each
9 individual who contributed at least five percent of
10 the group's annual budget, the name of the
11 individual and the total amount of the annual
12 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.

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

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

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

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

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2. FINDINGS

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

Petitioners state that they will advocate on behalf of insurance consumers as evidenced by the allegations in the underlying primary jurisdiction matter referred to CDI for which the petitioners here are plaintiffs. Petitioners' attorney provided a description of his previous work as an advocate for consumers in insurance matters, specifically in prior matters before the California Insurance Commissioner and experience as the former Insurance Commissioner for the State of Missouri, in accordance with CCR §2662.2(a)(1).

Petitioners also provided a statement as to why the requirements of CCR §2662.2(a)(2) (A) – 2662.2(a)(2)(G) do not apply, as they are applying for eligibility as individuals and not as a consumer advocacy group.

Petitioners have complied with the requirements of CCR § 2662.2.

Petitioners will represent the interests of consumers, and on these grounds, the Commissioner hereby finds Petitioners eligible to seek compensation in CDI proceedings pursuant to CIC §1861.10.

This Finding of Eligibility is effective May 31, 2017.

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3. ORDER

Petitioner is hereby deemed eligible to seek compensation from the CDI for its representation of consumers' interests and for its participation in CDI proceedings pursuant to CIC §1861.10 for a period not to exceed two years from May 31, 2017.


A finding of eligibility to seek compensation does not ensure compensation for participation or intervention in any matter. Petitioners must comply with all relevant provisions of the California Insurance Code and the California Code of Regulations in order to participate and to submit requests and/or to receive compensation in specific hearings or proceedings.

1 Dated: May 31, 2017

DAVE JONES
Insurance Commissioner

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By 
Edward Wu
Public Advisor

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SERVICE LIST
In the Matter of the Request for Finding of Eligibility to Seek Compensation of:
ROGER HARRIS, DUANE BROWN, AND BRIAN LINDSEY
Case No. IE-2017-0002

<u>Name/Address</u>	<u>Phone/Fax Numbers</u>	<u>Method of Service</u>
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