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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:  
  
NATIONAL ASIAN AMERICAN  
COALITION,  
  
Petitioner

File No. IE-2013-0001  
  
FINDING OF ELIGIBILITY TO SEEK  
COMPENSATION

On March 1, 2013, National Asian American Coalition ("NAAC") submitted a Request for Finding of Eligibility to Seek Compensation ("Request"). On March 11, 2013, NAAC submitted a Supplement to its Request. On March 12, 2013, NAAC submitted an Additional Supplement to its Request. As of March 12, 2013, the Request (with the inclusion of the Supplement and Additional Supplement) was complete. The Commissioner has completed the review of the Request, Supplement, and Additional Supplement and hereby finds that, pursuant to the provisions of California Insurance Code § 1861.10 and California Code of Regulations, Title 10, § 2662.2, NAAC is eligible to seek compensation for its representation of consumers' interests in CDI proceedings.

This Finding of Eligibility shall remain in effect for two years from the date of this Order; however, this Finding of Eligibility does not ensure compensation in the proceeding(s) in which NAAC participates.

**FINDINGS**

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

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

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

5 CCR §2662.2(a)(2)(A). The current Articles of  
6 Incorporation for NAAC are on file with the CDI.

7 CCR § 2662.2(a)(2)(B). NAAC has served over 9,000  
8 homeowners since its founding and more than 5,000  
homeowners specifically in California.

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

12 CCR § 2662.2(a)(2)(D). NAAC currently does not have a  
13 newsletter.

14 CCR § 2662.2(a)(2)(E). NAAC provided a year-end report  
15 from the President to the Board covering 2012.

16 CCR § 2662.2(a)(2)(F). NAAC states that they are  
17 classified as a non-profit organization by the Internal  
Revenue Service under IRS Code § 501(c).

18 CCR § 2662.2(a)(2)(G). NAAC submitted the percentages  
19 and dollar amounts of funding from various sources:  
20 Foreclosure Prevention Counseling; Micro Technical  
21 Assistance Training; REO; Broadband Access Outreach  
22 and Education; Asian News in America; Economic  
23 Development Conference; Volunteer Income Tax  
Assistance; Asian Cultural Festival; Capacity Building;  
Project Renew, REO Rehab; Bank of America; PG&E;  
Comerica; Wells Fargo.

## 24 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  
10 may provide to the Public Advisor a request for finding of  
11 eligibility to seek compensation. The request shall be verified  
12 and may be verified by the intervenor's or participant's attorney  
13 and shall be submitted, at any time, in conjunction with an  
14 ongoing proceeding in which the individual or organization seeks  
15 to intervene. The request shall comply with sections 2652.1-  
16 2652.4 of this subchapter and shall include:

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

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

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

28 (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 publication issued by the  
intervenor in California during the previous  
twelve (12) months,

(E) any annual or year-end report for the  
prior year.

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(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.

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

1 subdivision (a), notice stating the grounds for incompleteness  
2 will be given to the person or group who submitted the request  
within the 10 day period and the request will be rejected.

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

### 5 DETERMINATIONS

6 NAAC has complied with the requirements of CCR § 2662.2.

7 NAAC represents the interests of consumers, and on these grounds,  
8 the Commissioner hereby finds NAAC eligible to seek compensation in CDI  
9 proceedings pursuant to CIC §1861.10.  
10

11 This Finding of Eligibility is effective March 18, 2013.  
12

### 13 ORDER

14 NAAC is hereby deemed eligible to seek compensation from the CDI for its  
15 representation of consumers' interests and for its participation in CDI proceedings  
16 pursuant to CIC §1861.10 for a period not to exceed two years from March 18, 2013.  
17

18 A finding of eligibility to seek compensation does not ensure compensation.  
19 NAAC must comply with all relevant provisions of the California Insurance Code  
20 and the California Code of Regulations in order to participate and to submit requests  
21 and/or to receive compensation in specific hearings or proceedings.  
22

23 Dated: March 18, 2013

DAVE JONES  
Insurance Commissioner

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25  
26 By   
Edward Wu  
Public Advisor  
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**PROOF OF SERVICE**  
**In the Matter of the Request for Finding of Eligibility to Seek Compensation of**  
**NATIONAL ASIAN AMERICAN COALITION, Petitioner**  
**Case No. IE-2013-0001**

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 March 19, 2013, I served the following document(s):

**FINDING OF 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.

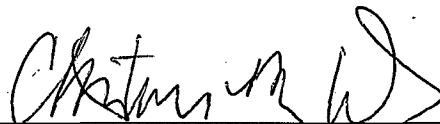
If **FAX SERVICE** is indicated, by facsimile transmission this date to fax number stated for the person(s) so marked.

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 M. Warren

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**SERVICE LIST**  
**In the Matter of the Request for Finding of Eligibility to Seek Compensation of**  
**NATIONAL ASIAN AMERICAN COALITION, Petitioner**  
**Case No. IE-2013-0001**

<u>Name/Address</u>	<u>Phone/Fax Numbers</u>	<u>Method of Service</u>
Robert Gnaizda, Esq. Aaron Lewis, Esq. NATIONAL ASIAN AMERICAN COALITION 15 Southgate Avenue, Suite 200 Daly City, CA 94015 <a href="mailto:rgnaizda@naacoalition.org">rgnaizda@naacoalition.org</a> <a href="mailto:alewis@naacoalition.org">alewis@naacoalition.org</a>	Tel: (650) 952-0522 Fax: (650) 952-0530	EMAIL Between 8:00 a.m. and 8:30 a.m.