

II. PETITIONER

The NAAC is a 501(c)(3), US Department of Housing and Urban Development-approved home counseling agency which, since its founding in 2004, has counseled approximate 9,000 homeowners in distress. The NAAC also advocates on behalf of communities of color - in particular, Asian American communities and immigrant communities. The NAAC maintains offices in Daly City and San Diego, California, as well as a congressional and regulatory liaison office in Washington D.C.

The NAAC has had extensive experience in administrative law litigation before the California Public Utilities Commission (“CPUC”). The NAAC has been an active party to over 20 cases since 2009. Most notably the NAAC has intervened to challenge rate increases requested by the utility companies regulated by the CPUC.

The NAAC has also filed numerous comments at the Consumer Financial Protection Bureau, the Federal Communications Commission, the Federal Reserve, and the Public Company Accounting Oversight Board.

Copies of the NAAC’s by-laws, articles of incorporation, and the composition of its current board of directors are included as Attachment A. A listing, by general category, of the NAAC’s funding sources for the prior 24 months and the approximate total percentage of the NAAC’s annual budget from each funding category, pursuant to California Code of Regulations, title 10, chapter 5, § 2662.2 (a)(2)(G), are included as Attachment B.

III. CONCLUSION

WHEREFORE, the petitioner requests that the Insurance Commissioner find it eligible to seek compensation in Departmental proceedings based on this petition and the attached exhibits.

DATED: February 28, 2013

Respectfully Submitted,

Robert Gnaizda
Aaron Lewis

Attorneys for the NATIONAL ASIAN
AMERICAN COALITION

**VERIFICATION OF AARON LEWIS IN SUPPORT OF NAAC'S REQUEST FOR
FINDING OF ELIGIBILITY**

I, Aaron Lewis, verify:

1. I am an attorney employed by the National Asian American Coalition. If called as a witness, I could and would testify competently to the facts stated in this verification.

2. I personally prepared the pleading titled, "Request for Finding of Eligibility" filed in this matter. All of the factual matters alleged therein are true and of my own personal knowledge, or I believe them to be true after I conducted some inquiry and investigation.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on February 28, 2013 at Daly City, California.



Aaron Lewis

ATTACHMENT A

The Bylaws of National Asian American Coalition, Incorporated

The bylaws of National Asian American Coalition, Incorporated are hereby amended and shall be effective as of October 13, 2010.

ARTICLE I NAME

The name of this corporation shall be National Asian American Coalition, Incorporated ("NAAC", for brevity).

ARTICLE II PURPOSE

The organization shall be a non-profit, public benefit corporation.

The purpose of this corporation is to improve the quality of life of America's historically underrepresented minority communities by providing National Asian American Coalition members with networking opportunities and access to resources, which are not attainable as a single entity.

National Asian American Coalition aims to be the preferred conduit of economic development through technical assistance between the government, corporations and minority groups in California.

ARTICLE III POWERS

Subject to the limitations contained in the articles of incorporation, bylaws and compliance with the provisions of existing and applicable laws, National Asian American Coalition shall have all the powers of a non-profit public benefit corporation in accordance with the Corporation Code.

National Asian American Coalition is a centralized organization. Transactions and dealings shall be made through its officers with authority from the Board of Directors.

Projects and programs of the corporation such as but not limited to, off-site projects, appointment of project managers, coordinators and conduct of business outside of its principal place of business does not create or constitute chapters of National Asian American Coalition. These transactions do not grant any right to individuals or entity to gain access to documents or records of the organization.

The corporation is a non-profit corporation and no part of the net earnings of the corporation shall inure to the benefit of an individual. However, the Board of Directors may, through a resolution, allow and provide for the reasonable compensation of officers.

ARTICLE IV
MEMBERSHIP

Section 1 Membership

Membership is acquired through acceptance by the Board of Directors of individuals that represents or belongs to historically underrepresented minority organizations, church based organizations and other Board Approved organizations and other organization with the National Asian American Coalition.

Section 2 Voting and transferability of membership

With the sole exception of voting for the composition of the Board of Directors, members shall have no right to vote in the management and affairs of National Asian American Coalition. Membership is not transferable.

ARTICLE V
BOARD OF DIRECTORS

Section 1 Powers

This corporation shall have all the powers granted by law. All powers and activities of this corporation shall be exercised and managed directly by the Board of Directors or if delegated, under the ultimate control and direction of the Board of Directors.

The Board of Directors shall exercise general supervision over all property and affairs of the corporation. It shall appoint the officers of the corporation.

Section 2 Functions of the Officers and Executive

- a. The officers of this organization shall be the Chairman, Vice-Chairman, Treasurer and Secretary.
- b. The elected officers along with the Chairman of the Advisory Board And the President/Executive Director (staff member) shall comprise The Executive Board.
- c. All officers of the corporation shall serve as members of the Board.
- d. The Board of Directors shall elect the officers and the President/Executive Director. Except for the power to amend the Articles of Incorporation and By-Laws, the executive board shall have all the powers and authority of the Board

of Directors in the intervals between meeting of the BOD, subject to the direction and control of the board.

Section 3 Composition of the Board of Directors

The Board of Directors shall come from the members of the corporation. The Board shall have no fewer than five (5) persons and shall not exceed fifteen (15) persons. The quorum for Board meetings shall be 50% plus one of the total compositions of the Board of Directors.

Section 4 Meetings of the Board of Directors

The Board of Directors shall meet on a quarterly basis. Whenever it is necessary, the Chairman of the Executive Board shall be empowered to call for special meetings. A quorum is necessary for all actions of the Board of Directors. In the absence of a quorum, the meeting may continue for discussion purposes only without any voting action taken on any issues. To facilitate attendance and a quorum, a Board Member, with good cause, may exercise the option to participate via telephone. However, a Board Member may only use this option twice a year. In matters of urgency, a vote may be taken and duly recorded via telephone or email. The Secretary has the responsibility of recording all minutes and votes.

a) Removal for Excessive Absences

If a member of the Board of Directors fails to attend two (2) regular board meetings during one operational year without reasonable cause, he/she shall be relieved of his position.

b) Reinstatement of Board Member Removed for Absenteeism

A Board Member may be reinstated if before the next regularly scheduled meeting, he/she provides a written statement of good cause for his/her absences. The written statement of acceptance by the Chairman of the Board and Secretary is necessary to reinstate the Director. In the event of disagreement by the Chairman of the Board and the Secretary as to whether there exists good cause for reinstatement, the statement shall be submitted to the entire Board for consideration before the next regularly scheduled meeting of the Board.

Section 5 Suspensions and Removal of a Board Member for Misconduct, Dereliction of Duty and Responsibilities and Willful Violation of Bylaws

By the majority vote of the board a member may be expelled or removed from the Board for grave misconduct, dereliction of duties and responsibilities or willful violation of the bylaws. A Board Member may be immediately suspended from the Board, upon written notice from the Chairman of the Board. A copy of the written notice of the suspension shall be provided to the other Members of the Board, including the Chairman of the Advisory Board. A special meeting shall be held as soon as possible, not to exceed

15 days from the date of suspension, to consider the charges against the Board member. Written notice of the special meeting and written charges shall be provided to all members including the suspended member before the special meeting.

Section 6 Resignation of a Board Member

a) A director may resign from his or her position by providing written notice to the Chairman or Secretary or the entire Board of Directors. The resignation shall be effective by written acceptance of the Board of Directors.

A director, based on his/her competency, may be offered a position on the Advisory Board, provided there is an available vacancy.

Section 7 Conflict of Interest of a Board Member

Whenever a Board Member or an officer has a financial or personal interest in any matter coming before the Corporation, the involved person shall fully disclose the nature of the interest and withdraw from voting on the matter. Any transaction or vote involving a potential conflict of interest shall be approved only when a majority of disinterested members determine that it is in the best interest of National Asian American Coalition to do so. The minutes of the meetings at which such votes were taken shall record such disclosure, abstention and rationale for approval.

Section 8 Executive Board

The function of the Executive Board is to administer the operations of the organization under the direction of the Board of Directors. The Executive Board shall prepare an agenda for the Board of Directors. Except for the power to amend the Articles of Incorporation and By-Laws, the Executive Board shall have all the powers and authority of the Board of Directors in the intervals between meetings of the Board of Directors, subject to the direction and control of the Board of Directors. All members of the Executive Board have the right to vote at a meeting, unless otherwise specified.

Section 9 Members of the Executive Board

The Executive Board shall be composed of a Director to be voted upon by the Board, the Chairman of the Board and the Chief Executive Officer/President. The Chairman of the Board and the President shall serve as ex-officio member of the Executive Board. Members of the Executive Board shall have a term of two (2) years from date of election and shall serve as such until a successor is elected and qualified.

Section 10 Elections and Vacancies at the Executive Board

- a. Each member shall assume the duties of office after one (1) month from date of election. Upon resignation from the Executive Board, a member relinquishes his/her position on the Executive Board but remains as a Board of Director of National Asian American Coalition.
- b. The Board of Directors, at their regular meeting or a special meeting called for that purpose, shall fill any vacancy in any office of the Executive Board. By a majority vote, the Board of Directors may censure or expel a member of the Executive Board for cause.

Section 11 Executive Board Meetings

The Executive Board shall meet six times a year. The quorum for the executive board meeting shall be three. To facilitate a quorum, an Executive Board Member may be considered present if he or she participates via conference call.

Section 12 Duties of the Chairman

The Chairman shall act as Chief Officer of the corporation. He/she shall also be the Chairman of the Executive Board. The Chairman shall preside at all meetings of the Executive Board and the Board of Directors. The Chairman shall be an ex-officio member of all committees except the nominating committee.

Section 13 Duties of the Vice- Chairman.

The Vice-Chairman shall assume the duty of the Chairman in the latter's absence or incapacity. The Vice-Chairman is also the chair of the Program Planning Committee and fulfills such other duties as assigned by the Chairman.

ARTICLE VI ADVISORY BOARD

An advisory board will be created for program consultation and fund raising purposes. Prospective members of the advisory board may be recruited from both public and private sectors. The Chairman of the Advisory Board will serve, ex officio, as a voting member of the Board of Directors.

ARTICLE VII
OFFICERS OF THE CORPORATION

Section 1 Chief Executive Officer/President

The President shall manage the operations of the corporation. He/she shall have the power and supervision over all the staff of the corporation. The President shall have authority over programs, financial and human resource issues. The President's decisions are limited to the provisions in a budget approved by the Board of Directors. The President has discretion to approve expenditures of up to one thousand five hundred dollars (\$1,500.00). The Board of Directors must approve any amount in excess of \$1,500.00.

Duties of the President include, but are not limited to, the creation and annual update of an office policy and procedures manual. This manual should reflect applicable State and Federal Laws regarding labor, worker's compensation, hiring and firing. The President shall also have the responsibility to ensure that each employee of National Asian American Coalition has received a copy of the office policy and procedures and the employee has provided a signed acknowledgement of receipt. The President shall execute and implement projects that are approved by the Board of Directors. The President is the official spokesperson of National Asian American Coalition and shall coordinate with the public relations committee. The President has the power to appoint heads of the standing committees. The President has the authority to appoint a person to supervise a project. However, the Board of Directors at the next regular scheduled Board meeting must confirm such appointment. The President shall hold office until a replacement is appointed and qualified.

Section 2 Secretary

The secretary shall record the minutes of all meetings of the Executive Board and Board of Directors and shall maintain a permanent record of the meetings. He/she shall prepare and circulate the items of the agenda that requires a vote of the Executive Board. He/she shall turn over to the successor an updated record of all minutes thirty (30) days before retirement from office. He/she shall be responsible in sending notices of regular and special meetings of the corporation. The Secretary shall be under the control and supervision of the Chairman of the Board. The Secretary shall have a term of office of two (2) years from date of appointment and shall sit as such until his/her replacement is appointed and qualified.

Section 3 Treasurer

The Treasurer shall maintain accurate and updated financial records of the corporation; he/she shall have custody of the funds of the organization, which shall be deposited in the name of the corporation in a financial institution approved by the Board of Directors. He/she shall sign checks with the Chairman, Vice-Chairman, Secretary and President on behalf of the organization, disburse money of the organization by order of

the Executive Board, provide a bond annual audit, and turn over to his/her successor an updated record of all funds, accounts and books of record thirty (30) days before retirement from office.

The Treasurer shall be under the control and supervision of the Board of Directors. The Treasurer shall also ensure that the financial business of National Asian American Coalition is conducted in compliance with Article XI of these Bylaws. The Treasurer shall have a term of office of two (2) years from date of appointed and shall sit as such until his/her replacement is appointed and qualified.

All funds of the organization shall be deposited, handled and disbursed in a timely manner and in accordance with good accounting practices and principles. All bills, notes, checks and like obligations and endorsements, for deposit or collection, shall be signed as set forth in Article X of the National Asian American Coalition Bylaws.

Section 4 Auditor

The Board of Directors or the Executive Board may create the position of an auditor or hire an independent and outsourced auditor. The auditor shall examine and ascertain the correctness of the expense reports of the corporation covering periods as may be required by the Board of Directors.

ARTICLE VIII MEETINGS OF THE ORGANIZATION

Section 1 Annual Meeting

The Executive Board shall set a semi annual meetings of the board. Notice shall be sent to the members forty-five-(45) days before the semi annual board meeting and the annual advisory board meeting.

Communication to the members of the corporation will be conducted regularly. The Secretary has the responsibility to ensure that these communications are made.

Section 2 Special Meeting

The Chairman or the any two (2) members of the Board of Directors may call a special meeting. The purpose of the special meeting shall be stated in notice of meeting. No other business shall be conducted at the special meeting. Members shall receive the notice at least 48 hours before the special meeting.

ARTICLE IX STANDING COMMITTEES

Section 1 Committees

There shall be standing committees, as the corporation deems necessary, to carry on its business. The Chairman of the Board and the President shall serve as ex-officio members of all standing committees.

Standing committees are as follows: Nominating Committee, Bylaws Committee, Public Relations Committee, Program Planning Committee, Annual Economic Summit Committee and Finance Committee. The Board of Directors may add other committees, as it deems necessary.

Section 2 Nominating Committee

The nominating committee shall be composed of at least three (3) members. The Board of Directors shall appoint them no later than the second week of January. The committee shall be responsible for preparing a slate of candidates for office, securing written information of experience for each candidate and shall present the slate at the Fourth Quarter Board of Director's meeting. The slate may be presented at a special board meeting called for this purpose. Each candidate must be a member in good standing of the National Asian American Coalition. The Secretary shall chair the Nominating Committee. The Committee shall be responsible for providing recommendations for Board membership and officers. It shall conduct new Board member recruitment, orientation and education.

Section 3 Bylaws Committee

The Bylaws committee shall be responsible for the drafting of proposed amendments to the Bylaws. The committee chair has the responsibility of presenting the drafts to the Board of Directors for comment and correction. This committee has the responsibility to prepare and maintain policy and procedures for the conduct of the corporation's business.

Section 4 Public Relations Committee

The Public Relations Committee shall be chaired by a Board member and shall provide coordination of communication with media (TV, radio, newspapers, magazines, newsletters, and business and education journals), assist with the development and production of promotional materials. It shall actively pursue presentation opportunities and provide speakers as needed and shall establish a master calendar for promotions, publications and events. The Public Relations Committee shall work in cooperation with the President.

Section 5 Program Planning Committee

The Vice-Chairman shall chair the Program Planning Committee and investigate, define and recommend program needs for the organization as well as evaluation methods of outcomes. The Program Planning Committee shall work in cooperation with the President

Section 6 Finance Committee

The Treasurer shall chair the Finance Committee. It shall oversee all operating, capital and fund raising budgets, and monthly financial statements and provide for annual audits of records.

ARTICLE X OPERATIONAL YEAR

The operation year of the corporation shall run from 1st of January until 31st of December.

ARTICLE XI MANAGEMENT OF FINANCES

All financial transactions of the corporation shall be conducted in accordance with generally accepted accounting practice and principles. Accounting practice and principles shall ensure that all revenues and expenditures are accounted for and authorized, respectively and all financial obligations are paid in a timely manner.

All monies and assets shall be registered in the name of National Asian American Coalition at an FDIC insured banking facility or other appropriate organization as designated by the Board of Directors. As needed, the Board of Directors may designate a "Named" Fund. Other monies and assets are considered part of the general fund unless otherwise specified.

Authorized signatories for bank drafts are the Chairman of the Board, Treasurer, Secretary and the President. No checks may be made payable to cash. All appropriate papers to document expenses must be given to the Treasurer within five (5) days from date of transaction.

In the event of the prolonged absence of any one of the signatories, the Executive Board may authorize one of its members to sign for designated transactions only.

ARTICLE XII PARLIAMENTARY AUTHORITY

The rules contained in Revised Robert's Rules of Order shall govern the proceedings of this organization, except in cases governed by the bylaws and special rule adopted by this organization.

ARTICLE XIII
AMENDMENTS

Section 1 Origin

The bylaws committee shall propose amendments to the bylaws of this organization.

Section 2 Procedures for Amendment

Amendments may be adopted by the affirmative vote of the majority of the members of the Board of Directors. The proposed amendments must have been first circulated to each member of the Board of Directors at least thirty (30) days in advance of the vote for approval.

ARTICLE XIV
NONPARTISAN ACTIVITIES

This corporation has been formed under the California Nonprofit Public Benefit Corporate Law and in accordance with the provisions of the Internal Revenue Code 501 C-3 for the purpose described above, and it shall be nonprofit and nonpartisan. No part of the activities of the corporation shall consist of the publication or dissemination of materials with the purpose of attempting to influence legislation and the corporation shall not participate in political campaigns.

ARTICLE XV
OFFICES

The principal office of the corporation is located in Suite G 9630 Black Mountain Road, San Diego California.

ARTICLE XVI
PROHIBITED AMENDMENTS

The Bylaws may not be amended to conflict with applicable State or Federal Laws or with National Asian American Coalition Articles of Incorporation.

ARTICLE XVI
VOLUNTARY DISSOLUTION

The organization may be dissolved by a two-thirds vote (2/3) of the Board of Directors. Any funds remaining in the treasury shall be used to satisfy outstanding debts. In the event that funds remain, the Board of Directors shall dispense these funds and any other assets to another approved non-profit, 501 C-3 organizations.

Approved by the Board of Directors of National Asian American Coalition on October 13, 2010.

OCT 13 2010

**CERTIFICATE OF AMENDMENT OF
ARTICLES OF INCORPORATION
OF
MABUHAY ALLIANCE
a California nonprofit corporation**

The undersigned certify that:

1. They are the President and the Secretary, respectively, of Mabuhay Alliance, a California corporation.
2. Article I of the Articles of Incorporation of this corporation is amended to read as follows:

"The name of the Corporation is: National Asian American Coalition."
3. The foregoing amendment of Articles of Incorporation has been duly approved by the board of directors.
4. The corporation has no members.

We further declare under penalty of perjury under the laws of the State of California that the matters set forth in this certificate are true and correct of our own knowledge.

DATE: September 1, 2010

Faith Bautista

Faith Bautista, President

Edward Danico

Edward Danico, Secretary



2013 BOARD OF DIRECTORS

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ATTACHMENT B

NAAC's Funding Sources	2011	2012
Sponsorship - Foreclosure Prevention Counseling	579,953.00	394,816
Sponsorship for Micro Technical Assistance Training	77,500	6,050
Receipts - REO	180,539	446,066
Sponsorship - Broadband Access Outreach and Education	199,400	162,888
Sponsorship - Asian News In America	25,000	0
Sponsorship - Economic Development Conference	142,622.00	112,756
Sponsorship - Volunteer Income Tax Assistance	11,682.00	10,000
Sponsorship - Asian Cultural Festival	29,135.00	25,095
Sponsorship - Capacity Building	522,403.00	100,200
Sponsorship - Project Renew, REO Rehab		109,725
Sponsorship - Others		205,800
Total Income	1,768,234.00	1,573,396
Budget Percentage	81%	99.74%

Individuals who contributed 5% or more of NAAC's total budget

	2011	2012
Bank of America	115,000	100,000
PG&E	154,000	
Comerica	171,000	
Wells Fargo	100,000	

**PROOF OF SERVICE [BY US MAIL, FAX TRANSMISSION, EMAIL TRANSMISSION
AND/OR PERSONAL SERVICE]**

State of California, City of Daly City, County of San Mateo

I am employed in the City of Daly City and County of San Mateo, State of California. I am over the age of 18 years and not a party to the within action. My business address is 15 Southgate Avenue, Suite 200, Daly City, California 94015, and I am employed in the city and county where this service is occurring.

On February 28, 2013, I caused service of true and correct copies of these documents,

REQUEST FOR FINDING OF ELIGIBILITY

Upon the persons named in the attached service list, in the following manner:

1. If marked EMAIL, by electronic mail transmission this date to the email address stated.
2. If marked FAX, by facsimile transmission this date to the fax number stated to the person(s) named.
3. If marked MAIL, by placing this date for collection for regular mail true copies of the within document in sealed envelopes, addressed to each of the persons so listed. I am readily familiar with the regular practice of collection and processing of correspondence for mailing of U.S. Mail. These envelopes would be deposited this day in the ordinary course of business with the U.S. Postal Service.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 28, 2013, at Daly City, California.



Aaron Lewis

SERVICE LIST

Person Served

Joel Laucher
Deputy Commissioner
California Department of Insurance
45 Fremont Street, 23rd Floor
San Francisco, CA 94105
Email: joel.laucher@insurance.ca.gov

Method of Service

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X - EMAIL
___ - FAX

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X - U.S. MAIL
X - EMAIL
___ - FAX