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**BULLETIN**

To: All Interested Parties

Re: COMAR Sections 31.02.01.03.C and 31.02.02.03C

Date: June 1, 2005

Bulletin: # 05-6

The purpose of this bulletin is to remind interested parties that, with one narrow exception (a hearing on a proposed examination report), COMAR sections 31.02.01.03 and 31.02.02.03 govern the procedure for requesting a hearing before the Commissioner. COMAR 31.02.01.03.A; 31.02.02.03.A. A hearing may be requested by the submission of a written statement to the Commissioner that is signed by the requesting person. COMAR 31.02.01.03.B; 31.02.02.03.B. All requests for a hearing that are governed by COMAR 31.02.02.03 "shall be received by the Commissioner within 30 days of the date of the letter notifying the party of the Commissioner's action, intention to act or failure to act." COMAR 31.02.01.03.C; 31.02.02.03.C.

In calculating the thirty day period, the date of the letter is not to be included. The last day of the period so calculated is to be included unless it is a Saturday, Sunday or a legal holiday, in which event the period runs until the end of the next day, which is neither a Saturday, Sunday nor a legal holiday. Intermediate Saturdays, Sundays and legal holidays shall be otherwise counted towards the thirty day period.

The plain language of COMAR sections 31.02.01.03.C and 31.02.02.03.C establish an explicit deadline for the Commissioner's receipt of a request for hearings governed by COMAR 31.02.01.03 and 31.02.02.03. The time period for receipt of such a request expires after the close of business on the thirtieth day after the date of the letter notifying the requestor of the Commissioner's action, intention to act, or failure to act, subject to the calculation guidelines set forth above. No other factor or consideration is relevant to calculation of the period within which a request must be received. To the extent that the Final Order of the Commissioner in the matter of *James V. Parochetti v. Nationwide Mutual Company*, OAH No. 98-MIA-INS-33-015120, MIA No. 411-5/98, or any other order, decree, directive or statement of the Maryland

Insurance Administration and/or Maryland Insurance Commissioner is inconsistent with the plain language of COMAR 31.02.01.03.C and/or 31.02.02.03.C, that order, decree, directive and/or statement is incorrect as a matter of law, and is violative of the Maryland Insurance Administration's longstanding interpretation of COMAR 31.02.01.03 and 31.02.02.03, as well as a Memorandum Opinion of the Circuit Court for Baltimore City in *Taylor v. Nationwide Mutual Insurance Company*, Civil Case No. 24-C-04-3622, and an Order of the Circuit Court for Alleghany County in *Culper v. Maryland*, Case No. C-04-23898, Order, and the positions asserted by the Administration therein.

Any questions regarding this bulletin should be directed to the Maryland Insurance Administration at 800-492-6116.

*[Signature on original]*

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Alfred W. Redmer, Jr.  
Maryland Insurance Commissioner