

1 DEPARTMENT OF INSURANCE
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8 **BEFORE THE INSURANCE COMMISSIONER**
9 **OF THE STATE OF CALIFORNIA**
10

11 In the Matter of the Appeal of
12 **RDR BUILDERS, INC., a California**
13 **corporation, DOS REIS, RONALD, and**
14 **BARBIERI, MARK, d/b/a/ RDR**
15 **BUILDERS, LP; and RDR**
16 **PRODUCTION BUILDERS, INC., a**
17 **California corporation**

18 Appellants,

19 From the Decision of the

20 **CALIFORNIA INSURANCE COMPANY**
21 **and APPLIED UNDERWRITERS**
22 **CAPTIVE RISK ASSURANCE**
23 **COMPANY, INC.**

24 Respondents.

File AHB-WCA-17-52

ORDER OF STAY OF DECISION AND
INVITATION TO BRIEF
RECONSIDERATION

25 The Commissioner issued his Order adopting the proposed decision in this matter on May
26 13, 2019 ("Order"). On May 17, 2019, the Commissioner mailed his Order to the parties and to
27 the Workers' Compensation Insurance Rating Bureau.

28 Upon further review, on his own motion, the Commissioner hereby stays the effective date
of his Order. The purpose of the stay is to permit the parties to consider the Order, and page 37,
footnote 203 in particular, in light of the precedent decision *In the Matter of the Appeal of Shasta*
Linen Supply, Inc. (Cal. Ins. Comm'r, Jun 20, 2016, AHB-WCA-14-31).

1 Pursuant to the provisions of California Insurance Code section 11737(f), as well as
2 California Code of Regulations, Title 10, sections 2509.71 through 2509.74, IT IS SO
3 ORDERED that the effective date of the Commissioner's Order in the above-entitled matter is
4 hereby STAYED to Monday, July 22, 2019. If either party contends that reconsideration of the
5 Order is appropriate, that party shall file its petition for reconsideration by Monday, July 1. In
6 accordance with California Code of Regulations, Title 10, sections 2509.72, any response to a
7 petition for reconsideration shall be filed by no later than Tuesday, July 16.

8 The stay of the Order in this matter to Monday, July 22, 2019 shall become effective
9 immediately.

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11 DATED: June 21, 2019

RICARDO LARA
Insurance Commissioner

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13 By: 
14 BRYANT W. HENLEY
15 Deputy Commissioner & Special Counsel
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1 **NOTICE OF TIME LIMITS FOR RECONSIDERATION & JUDICIAL REVIEW**
2 **In the matter of the Appeal of RDR BUILDERS, INC., a California corporation, DOS**
3 **REIS, RONALD, and BARBIERI, MARK, d/b/a/ RDR BUILDERS, LP; and RDR**
4 **PRODUCTION BUILDERS, INC., a California corporation**
5 **Case No. AHB-WCA-17-52**

6 Petitions for reconsideration may be made pursuant to California Code of Regulations,
7 Title 10, sections 2509.72 and 2509.73. Although not required, a response to a petition for
8 reconsideration may be made pursuant to California Code of Regulations, Title 10, section
9 2509.74. To be considered, a petition for reconsideration must be made timely, and shall be
10 based solely upon, and shall set forth specifically, the grounds upon which the decision of the
11 Commissioner allegedly is contrary to law or is erroneous. A petition for reconsideration shall
12 not refer to, or introduce, any evidence which was not part of the record of the evidentiary
13 hearing. Any such evidence nonetheless provided shall be accorded no weight. Copies of
14 documents received in evidence or already part of the records shall be referenced and attached as
15 exhibits. A Petition for Reconsideration must be served on all parties and should be directed to:

16 Bryant Henley
17 Deputy Commissioner & Special Counsel
18 California Department of Insurance – Executive Office
19 300 Capitol Mall, 17th Floor
20 Sacramento, California 95814

21 Judicial review of the Insurance Commissioner's Decision may be had pursuant to
22 California Code of Regulations, Title 10, section 2509.76, by filing a petition for a writ of
23 mandate against the Insurance Commissioner or the Department of Insurance, in accordance with
24 the provisions of section 1094.5 of the California Code of Civil Procedure. The right to petition
25 shall not be affected by the failure to seek reconsideration before the Commissioner. A petition
26 for a writ of mandamus (writ petition) shall be filed with the Court, and served on the Insurance
27 Commissioner as follows:

28 Agent for Service of Process
 Government Law Bureau
 California Department of Insurance
 300 Capitol Mall, 17th Floor
 Sacramento, California 95814

1 Since the Administrative Hearing Bureau is a division of the Department of Insurance,
2 and not a separate legal entity, the writ petition should *not* name the Administrative Hearing
3 Bureau or the Administrative Law Judge who presided over the matter as respondents. However,
4 a courtesy copy of any writ petition should be delivered to the Administrative Hearing Bureau of
5 the California Department of Insurance as follows:

6 Department of Insurance
7 Administrative Hearing Bureau
8 45 Fremont Street, 22nd Floor
 San Francisco, California 94105

9 A request to the Commissioner or the Hearing Officer for a copy of the administrative
10 record for a writ petition pursuant to California Code of Regulations, Title 10, section 2509.76,
11 subdivision (d) should be made to:

12 Agent for Service of Process
13 Government Law Bureau
14 California Department of Insurance
 300 Capitol Mall, 17th Floor
 Sacramento, California 95814

15 The request should include the Matter name and Case Number specified above.

DECLARATION OF SERVICE BY MAIL

Case Name/No.: In the Matter of the Appeal of:
RDR BUILDERS, INC. , a California corporation, DOS REIS, RONALD,
and BARBIERI, MARK, d/b/a/ RDR BUILDERS, LP; and RDR
PRODUCTION BUILDERS, INC., a California corporation
File No. AHB-WCA-17-52

I, CANDACE GOODALE, declare that:

I am employed in the County of Sacramento, California. I am over the age of 18 years and not a party to this action. My business address is State of California, Department of Insurance, Executive Office, 300 Capitol Mall, Suite 1700, Sacramento, California, 95814.

I am readily familiar with the business practices of the Sacramento Office of the California Department of Insurance for collection and processing of correspondence for mailing with the United States Postal Service. Said ordinary business practice is that correspondence is deposited with the United States Postal Service that same day in Sacramento, California.

On June 21, 2019 following ordinary business practices, I caused a true and correct copy of the following document(s):

ORDER OF STAY OF DECISION AND INVITATION TO BRIEF RECONSIDERATION

to be sent via e-mail and also placed for collection and mailing at the office of the California Department of Insurance at 300 Capitol Mall, Sacramento, California, 95814 with proper postage prepaid, in a sealed envelope(s) addressed as follows:

(SEE ATTACHED SERVICE LIST)

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed at Sacramento, California, on June 21, 2019.


CANDACE GOODALE

PARTY SERVICE LIST
RDR BUILDERS, INC.
FILE NO.: AHB-WCA-17-52

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Attorney(s) for
Workers' Compensation
Insurance Rating Bureau

(not actively participating)