



OFFICE OF
INSURANCE COMMISSIONER

In The Matter of

JOSEPH M. TOBEY,

Licensee.

ORDER NO. 13-0014
NPN 8058377
WAOIC 226086

ORDER REVOKING INSURANCE
PRODUCER LICENSE

To: Joseph M. Tobey
15906 4th Ave S, #17
Burien, WA 98148

6031 S Redwing Street
Seattle, WA 98118

IT IS ORDERED AND YOU ARE HEREBY NOTIFIED that your Washington State insurance producer license is **REVOKED**, effective **January 28, 2013** pursuant to RCW 48.17.530 and RCW 48.17.540(2).

THIS ORDER IS BASED ON THE FOLLOWING:

1. Joseph M. Tobey (hereinafter Mr. Tobey) has had a resident insurance producer license since November of 2009.

2. On October 10, 2011, Combined Insurance (Combined) received a call purportedly from Mr. H. The caller requested three policies be cancelled; a policy for a former employee, a policy for Mr. H's wife, and a personal policy. The caller supplied the last four of Mr. H's social security number, provided details on the employee, and indicated that he and his wife were on Medicaid and receiving state assistance.

3. On November 4, 2011, Combined's compliance department contacted Mr. H to verify that Mr. H and/or his wife were receiving Medicare and not Medicaid. During the telephone call Mr. H indicated that he did not call Combined to cancel his policies. Upon further investigation by Combined it was discovered that the telephone call was placed from a number identified as Tobey's cellular phone.

4. In an interview with the Office of the Insurance Commissioner's (OIC) investigator, Tobey admitted to making the call to Combined and impersonating Mr. H.

5. On October 25, 2011, Combined received emails cancelling policies for four

policyholders. The emails were sent on the same day, within an hour of each other, and were similar in content and form. The body of the emails included the name of the policyholder, address, last four of their social security number, and the policy number with directions to cancel the insurance policy.

6. Two days after the emails were sent; Tobey called Combined to follow-up on the status of one of the email requests. In the call, Tobey indicated that the policyholder did not want to talk to anyone but wanted to know if the policy could be cancelled via email.

7. The four emails originated from a computer with the same IP address. During the interview with the OIC investigator, Tobey confirmed that he used his personal computer for his insurance producer business and verified sending an email to Combined from a computer with the same IP address.

8. Three policyholders confirmed with the OIC that the email address from which the email was sent cancelling their policy was not their email address. The fourth policyholder has deceased.

9. During the interview with the OIC investigator, Tobey also admitted to sending the four emails.

10. By impersonating consumers and creating fictitious email addresses for consumers from which emails were sent, Mr. Tobey used fraudulent, coercive, or dishonest practices, or demonstrated incompetence or untrustworthiness, thereby violating RCW 48.17.530(1)(h). The Commissioner may take certain licensing actions including revoking an insurance producer license for such conduct.

IT IS FURTHER ORDERED that you return your insurance producer license certificate to the Commissioner on or before the effective date of the revocation of your license, as required by RCW 48.17.530(4). Return your license to: Licensing Manager, Office of the Insurance Commissioner, P O Box 40257, Olympia, WA 98504-0257.

ENTERED AT TUMWATER, WASHINGTON, this 11th day of January, 2013.

MIKE KREIDLER
Insurance Commissioner

By: K. Reynolds
Kate Reynolds
Staff Attorney
Legal Affairs Division

NOTICE OF YOUR RIGHT TO A HEARING

If you are aggrieved by this Order, RCW 48.04.010 permits you to demand a hearing. Pursuant to that statute and others: You must demand a hearing, in writing, within 90 days after the date of this Order, which is the day it was mailed to you, or you will waive your right to a hearing. Your demand for a hearing must specify the reasons why you think this Order should be changed. Upon receipt of your demand for hearing, you will be contacted by an assistant of the Chief Hearing Officer to schedule a teleconference with you and the Insurance Commissioner's Office to discuss the hearing and the procedures to be followed.

Please send any demand for hearing to:

Office of the Insurance Commissioner
Attention Patricia D. Petersen, Chief Hearing Officer
Hearings Unit
P.O. Box 40255
Olympia, WA 98504-0255

CERTIFICATE OF MAILING

The undersigned certifies under the penalty of perjury under the laws of the State of Washington that I am now and at all times herein mentioned, a citizen of the United States, a resident of the State of Washington, over the age of eighteen years, not a party to or interested in the above-entitled action, and competent to be a witness herein.

On the date given below I caused to be served the foregoing ORDER REVOKING INSURANCE PRODUCER LICENSE on the following individual via US Mail.

Joseph M. Tobey
15906 4th Ave S, #17
Burien, WA 98148

6031 S Redwing Street
Seattle, WA 98118

DATED this 10th day of, January 2013, at Olympia, Washington.

Signed: 
CHRIS TRIBE