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OFFICE OF
INSURANCE COMMISSIONER
HEARINGS UNIT

2013 APR -1 P 1:23

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Patricia D. Petersen
Chief Presiding Officer
(360) 725-7105

BEFORE THE STATE OF WASHINGTON
OFFICE OF INSURANCE COMMISSIONER

In the Matter of)	Docket No. 13-0014
)	
JOSEPH M. TOBEY,)	NOTICE OF HEARING
)	
Licensee.)	
)	

TO: Joseph M. Tobey
15906 4th Avenue S., #17
Burien, WA 98148

Joseph M. Tobey
6031 S. Redwing Street
Seattle, WA 98118

Ronald J. Meltzer
Sinsheimer & Meltzer, Inc., P.S.
4780 Columbia Center
701 Fifth Avenue
Seattle, WA 98104

COPY TO: Mike Kreidler, Insurance Commissioner
Deborah McCurley, Acting Chief Deputy Insurance Commissioner
John F. Hamje, Deputy Commissioner, Consumer Protection Division
Kate Reynolds, Staff Attorney, Legal Affairs Division
Charles Brown, Acting Deputy Commissioner, Legal Affairs Division
Office of the Insurance Commissioner
PO Box 40255
Olympia, WA 98504-0255

On January 10, 2013, the Insurance Commissioner (OIC) issued an Order Revoking License No. 13-0014, revoking the Washington resident insurance producer's license of Joseph M. Tobey

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(Licensee). The OIC's Order alleges that the Licensee impersonated insurance consumers and created fictitious email addresses for consumers in an effort to cancel the consumers' policies. By these actions, OIC asserts that the Licensee has used fraudulent, coercive or dishonest practices, or demonstrated his incompetence or untrustworthiness as contemplated by RCW 48.17.530(1)(h).

On January 18, 2013, the Licensee filed a Demand for Hearing to contest the OIC's Order. As the basis of his appeal, the Licensee does not deny the factual allegations but asserts that there are mitigating circumstances, particularly that he was trying to help his clients get better benefits at a lower cost and had their best interest in mind.

On February 19, 2013, the undersigned held a first prehearing conference in this matter, which included all parties. The OIC was represented by Kate Reynolds, Esq., Staff Attorney in the OIC's Legal Affairs Division. The Licensee was represented by his attorney Ronald J. Meltzer, Esq. The undersigned reviewed procedure to be expected at hearing and answered all questions and concerns of the parties. Of note, the undersigned advised the parties that, pursuant to RCW 48.04.020(1), the OIC's Order Revoking License against the Licensee was automatically stayed prior to its taking effect and will remain stayed until the Final Order after hearing is entered. Finally, the parties agreed that this hearing should be held on May 13, 2013, and continuing on each successive day until terminated.

Accordingly, **YOU ARE HEREBY NOTIFIED that a hearing will be held commencing on Monday, May 13, 2013, at 10:00 a.m. Pacific Standard Time.** The purpose of this hearing, which will include all parties, is to consider whether the Order of Revocation, revoking the insurance producer's license of Joseph M. Tobey, should be upheld, or set aside, or modified in some way such as imposing a suspension of his insurance producer's license and/or a monetary penalty in lieu of revocation.

The OIC will appear by and through Kate Reynolds, Staff Attorney in the Legal Affairs Division. Ms. Reynolds' address is Office of the Insurance Commissioner, Legal Affairs Division, P.O. Box 40255, Olympia, WA 98504-0255 and her telephone number is (360) 725-7179. The Licensee will appear and will be represented by his attorney Ronald J. Meltzer, Esq. of Sinsheimer & Meltzer, Inc., P.S. Licensee's address is 15906 4th Avenue S., #17, Burien, WA 98148; Mr. Meltzer's address is 4780 Columbia Center, 701 Fifth Avenue, Seattle, WA 98104 and his telephone number is (206) 340-4700.

Patricia D. Petersen, J.D., who serves as Chief Presiding Officer for the Office of the Insurance Commissioner, has been designated to hear and determine this matter. Her address is Office of Insurance Commissioner, P.O. Box 40255, Olympia, Washington 98504-0255. Her telephone number is (360) 725-7105. All interested individuals and entities who have questions or concerns concerning this proceeding should direct them to her paralegal, Kelly A. Cairns, at the same address. Ms. Cairns' telephone number is (360) 725-7002.

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The hearing will be held under the authority granted by the Insurance Commissioner under Chapter 48.04 RCW. The basic facts to be relied upon are those set forth above, which are more specifically included in the OIC's above-referenced Order Revoking License and in Licensee's above-referenced Demand for Hearing.

The hearing will be governed by the Administrative Procedure Act, Chapter 34.05 RCW, and the model rules of procedure contained in Chapter 10-08 WAC. All parties may be represented at the hearing. They may examine witnesses and fully respond and present evidence and argument on all issues involved.

As required by RCW 34.05.434(2)(i), you are advised that a party who fails to attend or participate in any stage of the proceeding may be held in default in accordance with Chapter 34.05 RCW.

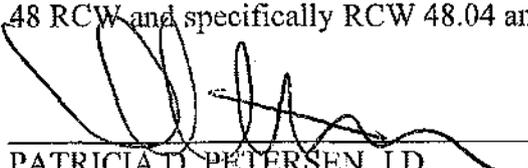
Pursuant to WAC 10-08-040(2) and in accordance with ch. 2.42 RCW, if a limited English speaking or hearing impaired or speech impaired party or witness needs an interpreter, a qualified interpreter will be appointed. There will be no cost to the party or witness therefore, except as may be provided by ch. 2.42 RCW. A Request for Interpreter form is attached to the original of this Notice, with instructions thereon.

This Notice is provided pursuant to RCW 48.04.010 and RCW 34.05.434.

Based upon the above activity,

IT IS HEREBY ORDERED that the adjudicative proceeding in this matter shall commence on Monday, May 13, 2013 at 10:00 a.m. Pacific Standard Time, continuing on each successive day until terminated, in the Office of the Insurance Commissioner, 5000 Capitol Blvd., Tumwater, WA.

ENTERED AT TUMWATER, WASHINGTON, this 1st day of April, 2013, pursuant to Title 48 RCW and specifically RCW 48.04 and Title 34 RCW and regulations applicable thereto.



PATRICIA D. PETERSEN, J.D.
Chief Presiding Officer

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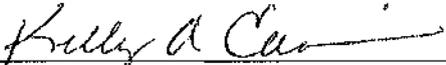
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Declaration of Mailing

I declare under penalty of perjury under the laws of the State of Washington that on the date listed below, I mailed or caused delivery through normal office mailing custom, a true copy of this document to the following people at their addresses listed above: Joseph M. Tobey, Ronald J. Meltzer, Esq., Mike Kreidler, Deborah McCurley, John F. Hamje, Esq., Kate Reynolds, Esq., and Charles Brown, Esq.,

DATED this 2nd day of April, 2013.



KELLY A. CARNS

HEARINGS UNIT
Fax: (360) 664-2782

Patricia D. Petersen
Chief Presiding Officer
(360) 725-7105

Hearings Unit
Paralegal
(360) 725-7002
Hearings@oic.wa.gov

To request an interpreter, complete and mail this form to:

Chief Presiding Officer
Office of Insurance Commissioner
P.O. Box 40255
Olympia, WA 98504-0255

REQUEST FOR INTERPRETER

I am a party or witness in Matter No. 13-0014, before the Insurance Commissioner. I NEED AN INTERPRETER and request that one be furnished.

Please check the statements that apply to you:

I am a non-English-speaking person. I cannot readily speak or understand the English language. My primary language is _____ (insert your primary language). I need an interpreter who can translate to and from the primary language and English.

I am unable to readily understand or communicate the spoken English language because:

- I am deaf.
- I have an impairment of hearing.
- I have an impairment of speech.

[Please state below or on the reverse side any details which would assist the Commissioner or Presiding Officer in arranging for a suitable interpreter or in providing appropriate mechanical or electronic amplification, viewing, or communication equipment.]

Date: _____

Signed: _____

Please print or type your name: _____

Address: _____

Telephone: _____